

**R E P O R T**

**By**

**The Commission of Inquiry**

**Consisting of**

**Mr. Justice G.T. Nanavati  
And  
Mr. Justice Akshay H. Mehta**

**Into the facts, circumstances and all the course of events of the incidents that led to setting on fire some coaches of the Sabarmati Express Train on 27.2.2002 near Godhra Railway Station and the subsequent incidents of violence in the State in the aftermath of the Godhra incident.**

**PART-I**

**(Sabarmati Express Train Incident at Godhra)**

**Ahmedabad.**

**September 18, 2008.**

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## **:CHAPTER-I :**

### **INTRODUCTION**

1. A ghastly incident of fire in coach S/6 of Sabarmati Express train happened in the morning of 27-2-2002, near Godhra railway station, in which 59 passengers travelling in that coach were burnt alive. Amongst the victims 27 were women and 10 were children. Other 48 passengers had also received injuries. Most of the victims were Ramsevaks (also referred to as Karsevaks). This incident (hereinafter referred to as ‘Godhra incident’) had happened sometime between 8.00 a.m. and 8.20 a.m. near ‘A’ cabin within the Godhra railway yard. Sabarmati Express train had started from Muzaffarpur on 25-2-2002 and on its way to Ahmedabad about 2000 to 2200 Ramsevaks had boarded the train from Ayodhya. They had earlier gone from Gujarat to Ayodhya at the instance of Vishva Hindu Parishad to take part in ‘Purnahuti Maha Yagna’, which was a part of ‘Ram Temple Nirman’ programme organized by some Hindu religious organizations.

2. Understandably, this incident was very widely reported by the electronic and print media. On the next day morning the head line on the front page of ‘Gujarat Samachar’, a leading Gujarati newspaper of the State, having very wide circulation, was “ગોધરા સ્ટેશને દેશની સૌથી બર્બર અને શરમજનક ઘટના” “ ટેનમાં ૬૦ને જીવતા જલાવ્યા” (Translated into English it would read .) The most barbarous and shameful incident of the country at Godhra station.” “ 60 persons burnt alive in the train.”) Another leading Gujarati daily ‘Sandesh’ had reported: “ ગોધરામાં ૬૦ હિન્ડુઓને જીવતા સળગાવાયા “ અયોધ્યાથી રામ સેવકોને લઈને આવી રહેલી સાભરમતી એકસપ્રેસને હિંસક ટોળાએ ભડકે બાળી.”(Translated into English, it would read “60 Hindus burnt alive in Godhra”. “A violent mob sets ablaze Sabarmati Express train bringing Ramsevaks from Ayodhya”). English newspapers “The Times of India” & “Indian Express” have wide circulation in Gujarat. Title of the report in The Times of India was:

“57 die in ghastly attack on train. Mob targets Ramsevaks returning from Ayodhya.” In Indian Express the title was: “ 58 killed in attack on train with Kar sevaks.” In another English daily ‘Asian Age’ the title was : “1500-strong mob butchers 57 Ramsevaks on Sabarmati Express”. All the reports relating to that incident in substance stated that the train was first attacked with stones, windows of coach S/6 were broken and burning rags and petrol were thrown in that coach.

3. The Gujarat Government suspected this incident as a part of conspiracy hatched by some Muslim terrorists of Jammu-Kashmir with some Muslim fundamentalists of Godhra to spread terror and create fear in the minds of people of Gujarat. According to the State Government, it was decided by the conspirators at Godhra, as a part of larger conspiracy, to attack Karsevaks who were to return from Ayodhya by this train. In pursuance of that conspiracy, this train was stopped and attacked near Godhra station with stones etc. and thereafter its coach S/6 was set on fire by throwing burning rags and petrol therein.

4. The Godhra incident had sent shock waves through out Gujarat and led to wide spread disturbances within the State. These subsequent incidents of communal violence in the State (hereinafter referred to as “Post-Godhra Incidents”) had started from the evening of that day and continued for two-three months. Some of those incidents were very serious. About 1100 persons were killed and many were injured. Properties worth crores of rupees were damaged or destroyed. Considering seriousness of the events and public demand for having an independent inquiry, the Government of Gujarat decided to appoint a Commissions of Inquiry, under sec.3 of the Commissions of Inquiry Act, 1952 headed by a retired Judge of the High Court of Gujarat. Accordingly the State Government, by a notification dated 6<sup>th</sup> March, 2002, appointed Mr. Justice

K.G.Shah, as the Commission of Inquiry. The terms of reference stated in the said Notification are:

- “(1) To inquire into –
  - (a) the facts, circumstances and the course of events of the incidents that led to setting on fire some coaches of the Sabarmati Express train on 27-2-2002 near Godhra railway station;
  - (b) the facts, circumstances and course of events of the subsequent incidents of violence in the State in the aftermath of the Godhra incident; and
  - (c) the adequacy of administrative measures taken to prevent and deal with the disturbances in Godhra and subsequent disturbances in the State;
  
- (2) To ascertain as to whether the incident at Godhra was a pre-planned and whether information was available with the agencies which could have been used to prevent the incident;
  
- (3) To recommend suitable measures to prevent recurrence of such incidents in future.”

The Government also made applicable to the Commission all the provisions of sub-sections (2) to (5) of section 5 of the Act.

5. Within a short time the Government of Gujarat found it necessary to reconstitute the Commission in public interest, by converting the single member Commission into two members Commission headed by a retired Judge of the Supreme Court of India. Therefore, the Government by a Notification dated 21st May, 2002 appointed one of us (Mr. Justice G.T.Nnavati,) as a member and chairman of the Commission. On 3-6-2002 the Government amended the

6<sup>th</sup> March notification and included within the scope of inquiry the incidents of violence that had taken place in Gujarat till 30<sup>th</sup> March, 2002. Again on 20-7-2004, the Government amended that notification of 6<sup>th</sup> March and widened the scope of inquiry. The following two clauses were added :

- “(d) Role and conduct of the then Chief Minister and/or any other Minister(s) in his council of Ministers, Police Officers, other individuals and organizations in both the events referred to in clauses (a) and (b);
- (e) Role and conduct of the then Chief Minister and/or any other Minister(s) in his Council of Ministers, Police Officers (i) in dealing with any political or non-political organization which may be found to have been involved in any of the events referred to hereinabove; (ii) in the matter of providing protection, relief and rehabilitation to the victims of communal riots (iii) in the matter of recommendations and directions given by National Human Rights Commission from time to time.” By that notification the Government also included within the scope of inquiry the incidents of violence that had taken place till 31-5-2002.

6. Unfortunately, before the Commission could complete its inquiry, Mr. Justice K.G. Shah died on 22.3.2008. The vacancy caused by his death has been filled up by the Government, by appointing Mr. Justice Akshay H. Mehta, a retired Judge of the High Court of Gujarat by a Notification dated 5.4.2008. The notifications dated 6-3-2002, 21-5-2002, 3-6-2002, 20-7-2004 and 10.4.2008 are annexed with this report and marked collectively as **Annexure-1**.

**:CHAPTER – II:****PROCEEDINGS**

7. The Commission started functioning from 7-3-2002 at Ahmedabad. It issued a notification on 20-4-2002, inviting persons acquainted with the subject matter of the inquiry relating to the Godhra incident and Post Godhra incidents to furnish to the Commission statements/affidavits by 15-5-2002. In response to the said notification, by 15.5.2002 the Commission had received 4495 statements/affidavits including 360 statements/affidavits relating to the Godhra incident. The Commission had also received 60 applications by then for extension of time fixed for filing statements. Considering the reasons stated therein, the Commission had extended the time till 31-5-2002. It was again extended till 10.6.2002. Even thereafter some applications were received for extending the time limit. Instead of extending the time, those applicants were permitted to file their statements beyond 10-6-2002 as their statements were likely to be useful for the purpose of the inquiry.

8. During the inquiry proceedings, advocate Shri M.H.Daymakumar appeared on behalf of Jamiat-Ulma-E-Hind. Initially advocate Shri J.M.Malkan represented the Gujarat Pradesh Congress Committee but later on Advocates Shri M.R.Barot, Shri Hiralal Gupta, Shri Jagrupsinh G.Rajput, Shri Avdhesh M.Shukla and Shri Dinesh B. Gor had appeared for it. Central Relief Committee, Ahmedabad, an organisation concerned with interests of Muslims of Ahmedabad was represented by advocates Shri S.H. Qureshi, Shri N.I. Huseni, Shri G.G. Saiyad and Ms. Sabana Mansuri. Advocate Shri Mukul Sinha appeared on behalf of a non-governmental organization named Jan Sangharsh Manch. For the State Government, advocates Shri A.H.Pandya, Shri J.M.Panchal, Shri Sunit Shah, Shri Tehmtan S.Nanavati, Shri Hasmukh P.Parekh, Shri Bharat K.Dave,

Shri Suresh G.Thakur and Shri H.M. Dhruv appeared at different stages. Shri Bhargav Bhatt, Shri D.R.Trivedi, Shri Deepak C. Shukla and Shri S.R. Pandya appeared for the Vishva Hindu Parishad.

9. The Commission had framed Procedure Rules after hearing all the persons who wanted to take part in this inquiry. It was made clear that only the parties permitted to appear would be allowed to put questions in the nature of cross examination to the witnesses which may be examined by the Commission. This indulgence was granted by the Commission as it was of the opinion that thereby the Commission would be able to test veracity of the evidence of those witnesses. No counsel for the Commission could be appointed because of some difficulties. That was also a reason why the said indulgence was granted by the Commission to the parties. It was made clear that other parties/persons who were not so permitted, would be allowed to suggest to the Commission the questions which they would like the witnesses to answer. The inquiry was conducted by the Commission as an open public inquiry. Accordingly the public and media were also permitted to remain present at the time of hearings fixed by the Commission. Evidence of witnesses was recorded openly except on one occasion when Mr. Rahul Sharma was asked some questions ‘in camera’ for ascertaining certain facts. That part of his evidence was also made available to the parties later on.

10. Strangely, the railway and its staff at Godhra did not file any statement or produce any record (on their own) which would have helped the Commission in finding out how the Godhra incident had actually happened, even though the incident had happened within the Godhra railway yard, there was fire in the train, large number of persons had lost their lives, many others had received injuries and the railway police was required to resort to firing to prevent further damage. The Commission had to issue summons to the concerned railway men to appear before the Commission and give evidence. The Commission was also required to issue summons to higher officers to compel them to produce certain relevant documents.

11. In respect of the post Godhra incidents in Gujarat almost all the District Collectors and Superintendents of Police have filed affidavits and supplied relevant information. Some police officers in charge of police stations have also filed affidavits giving details about the incidents which had happened within their jurisdictions. The documents produced by the civil and police officers include F.I.Rs, Police statements, Charge sheets etc. The affidavits, inter alia, contain details as regards administrative and police set ups of the districts, preventive steps taken by the authorities and other relevant information.

12. Pursuant to the first notification dated 20-4-2002 issued by the Commission, 4495 statements/affidavits were received. Out of them 1098 statements/affidavits were filed by Government officers and 3397 were filed by private parties. As the terms of reference were widened, second notification was issued on 5-8-2004. In response to the said notification, the Commission received 41999 statements/affidavits. Out of them, 921 statements/affidavits have been filed by the Government or its officers and 41078 statements/affidavits have been filed by the members of the public. Most of the statements/affidavits filed by private persons are mainly for payment of compensation and only a few of them have something to say about the subject matter of the second notification. Thus in all, 46,494 statements/affidavits were received by the Commission. Out of them 2019 were statements/affidavits filed by the Government officers and 44445 statements/ affidavits were received from the public.

13. As it was felt by the Commission that witnesses to the incident may not come forward on their own to give evidence before the Commission, it was decided to call them by issuing summons. To make it more convenient to outside witnesses to give evidence, the Commission had also gone to most of the district headquarters and held hearings there, after giving wide publicity to the dates fixed for that purpose.

14. The proceedings in respect of the Godhra incident and the post Godhra incidents were held simultaneously and witnesses were examined as and when they were available. The Commission had in respect of the Godhra and post Godhra incidents recorded evidence of 1016 witnesses till 22-10-2005. Even thereafter some evidence in respect of the Godhra incident was collected by examining officers of the Forensic Science Laboratory. Recording of evidence with respect to Godhra incident had continued upto 26-6-2007. The Commission had also visited Godhra railway station and the place of the incident. It had also, on four occasions, examined coach S/6. The coach was examined initially to see its condition and the damage caused to it. It was thereafter examined in the light of the evidence collected by the Commission. For this purpose the Commission had visited Godhra on 1-9-2002, 22-12-2003, 13-12-2004 and 17-11-2006. The Commission had visited the place of incident and examined coach S/6 again on 18.5.2008 as the Commission has been reconstituted because of the death of Mr. Justice K.G. Shah.

15. It was decided to receive evidence in the form of statements or affidavits with supporting documents. So the concerned Government and police officers have filed their statements supported by affidavits. FIRs, charge sheets along with statements of witnesses and other documents recorded by the Police during investigation of those cases, including the Godhra incident have also been filed. Two private persons have also filed their affidavits with respect to the Godhra incident. From amongst the persons, who have filed affidavits some were called for examination by the Commission. Almost all the high officers who have filed statements were called for examination by the Commission. For the Godhra incidents two separate F.I.Rs. were registered. One was in respect of the attack on the train and burning of coach S/6 and the other was in respect of the subsequent incident which had happened at about 11.00 o'clock. As regards the main incident of burning of coach S/6, the police has filed 18 charge sheets. The first charge

sheet is the main charge sheet and other charge sheets are supplementary charge sheets. The last supplementary charge sheet was filed on 19.3.2008. For Godhra incident the Commission has recorded evidence of 72 witnesses. The two F.I.R.s. (FIR.9/2002 and FIR.10/2002) are annexed with this report as **Annexure-II**. A list of witnesses who have been examined by the Commission is annexed with this report as **Annexure-III**

16. During the course of proceedings many applications either for production of some evidence or objecting to production thereof or for summoning witnesses were received by the Commission. Question regarding admissibility of some evidence was also raised and it was decided by an order. Some of those applications were in respect of the Godhra incident and others were in respect of the post Godhra incidents. We have referred to them only to indicate that many applications were filed from time to time. An application was filed by Jan Sangharsh Manch for a direction to the President of India and to the Central Government to produce certain communications relating to riots in Gujarat sent by the President to the Government of India between 28.2.2002 and 31.3.2002. It was opposed by the Union Government by claiming privilege in respect of those documents. In view of the plea of privilege raised by the Central Government and the President of India, the material in respect of which privilege was claimed has not been produced before the Commission and therefore the Commission did not have the opportunity to examine the same.

17. While recording the evidence of local railway officers and railway policemen it came to the notice of the commission that some of those officers had sent reports regarding the Godhra incident to their higher officers on the same day or on the next day i.e. on 28-2-2002. Initially there was reluctance on the part of the higher railway officers to produce those documents. The Commission had to issue summons to get them produced. Thereafter some statements were produced

and others were not produced on the ground that they were not available with the railways. It was so stated by the Divisional Railway Manager (Safety), Western Railway, Vadodara by his letter dated 7-1-2006.

18. The inquiry in respect of the Godhra incident and post Godhra incidents was conducted together to enable the Commission to get an over all view as suggested by some parties participating in this inquiry and to avoid delay which could have arisen as a result of many factors including non-availability of a witness on a day fixed for recording his evidence. Many applications were made from time to time by the parties with a request to call for information or records from different sources. A submission was also made on behalf of Jan Sangharsh Manch that Godhra incident should not be considered in isolation particularly in view of widening of the terms of reference and including within the scope of inquiry the role and conduct of the Ministers, Police Officers, other individuals and organizations in respect of the Godhra and Post-Godhra incidents. It was also submitted that it would give the Commission a better over-all view regarding the Godhra incident if the material relating to that incident is considered along with the evidence in respect of the post Godhra incidents. It was also submitted that the Commission should consider the evidence regarding telephone calls made from Godhra to other places on and before 27.2.2002, as contained in the C.D. produced by the Jan Sangharsh Manch, to see what was the role of Mohammad Hussain Kalota. As late as on 4-4-2007 an application was made for recalling an officer of the Forensic Science Laboratory. Granting the request Mr. D.B.Talati was called for giving evidence on 20-6-2007 and 26-6-2007. For these reasons, the report regarding Godhra incident has not been submitted earlier. We have now completed the scrutiny of the material in respect of the post Godhra incidents. Even after consideration thereof, we do not find anything therein establishing any connection between them and burning of coach S/6 of Sabarmati Express train at Godhra, and therefore, we have thought it fit to submit our report in respect of the Godhra incident now, without waiting for completion of the report regarding the Post Godhra incidents.

19. The parties were permitted to inspect the record and obtain copies thereof. After recording of all the evidence by the Commission including the evidence relating to the Post Godhra incidents, the parties were given an opportunity of making oral submissions. They have done so with respect to the Godhra incident. Shri Sunit Shah, advocate appearing for the State Government and Shri D.G.Shukla, advocate appearing for VHP were heard on 4.12.2006. On 5.12.2006 and 16.12.2006 Shri Mukul Sinha, advocate appearing for Jan Sangharsh Manch was heard. As the parties wanted to make some further submissions, the counsel for the State Government was heard on 2.2.2007, 3.2.2007, 9.2.2007 and 22.2.2007. On 22.2.2007 advocate for VHP Shri Shukla and advocate Shri Rajput for G.P.C.C. were heard. Shri Mukul Sinha, advocate appearing for Jan Sangharsh Manch made oral submissions on 23.2.2007. Earlier on 2.2.2007 written submissions were filed by the Central Relief Committee (Exh.5949). On 22.2.2007 Shri Mukul Sinha had submitted his written arguments (exh. 5951). On that day Shri Shukla appearing for VHP also submitted his written arguments (Exh.5952). On 4.4.2007 advocate appearing for the State Government and Jan Sangharsh Manch submitted their further written arguments (Exhs. 5957 and 5958). On 30.8.2007 the State Government completed their written submissions by giving one further bunch of papers. As stated by the Commission earlier an expert from Forensic Science Laboratory was examined on certain points on 20.6.2007 and 26.6.2007. Oral submissions with respect to the evidence of this witness were heard on that day. The hearing of the Godhra incident was thus concluded on that day as nobody had anything further to say with respect to that incident.

**CHAPTER – III****POINTS FOR CONSIDERATION**

20. In this chapter the topography of the Godhra railway station and the points which arise for consideration are stated. The next chapter deals with the evidence, its scrutiny and contains findings recorded on the basis thereof.

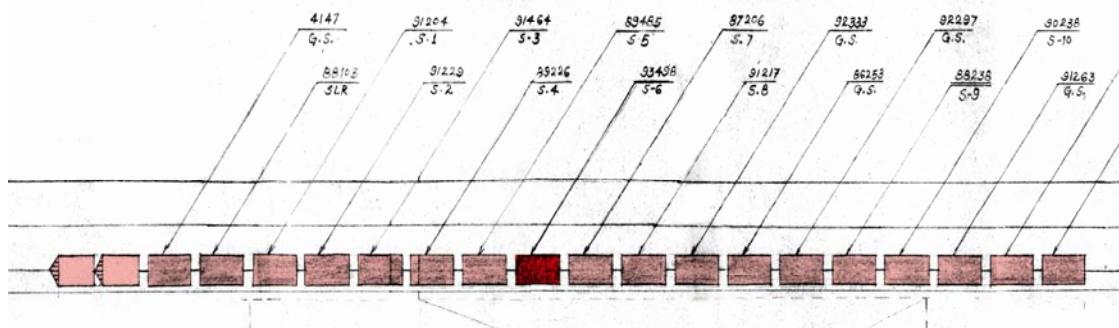
21. It is a matter of faith and belief amongst the Hindus that Lord Ram was born at Ayodhya in Uttar Pradesh. Earlier there was a temple of Lord Ram at the place of his birth. It was destroyed by Muslim invaders and in the year 1528 a masjid was built upon it. It was named as Babri Masjid. The idol of Lord Rama and other idols had however remained in the vicinity of that place and every day ‘Seva Puja’ of Lord Ram was performed. A dispute between Hindus and Muslims with respect to that place has been going on since long and it is believed that at the instance of aggressive Hindu religious organizations and political parties, an attempt was made on 6.12.1992 to demolish the Babri Masjid. Feelings of many Muslims were hurt because of demolition of the Babri masjid and that factor has on many occasions led to communal disturbances or tensions. We have referred to these facts as it is the case of the State Government that burning of Sabarmati Express train was a part of the larger conspiracy hatched by some religious fundamentalists at Godhra with some terrorist organizations of Jammu and Kashmir, because of some reasons including demolition of the Babri Masjid.

22 Godhra town is a communally very sensitive place. It is the district head quarter of the Panchmahals District. Shri Raju Bhargav (W-86) who was at the relevant time Superintendent of Police, of that district in his affidavit (Exh.87) dated 1.7.2002, has given history of communal riots which had taken place in Godhra in the past. There is high percentage of Muslim population at various

places in the district. Communal riots had taken place in Godhra in the years 1925, 1928, 1946, 1948, 1950, 1953, 1980, 1981, 1985, 1986, 1988, 1989, 1990, 1991 and 1992. The communal riot which had taken place in the year 1948 was very serious. Initially the Muslims had burnt 869 houses of Hindus. Thereafter the Hindus had burnt 3071 houses of Muslims. About 11000 Ghanchi Muslims (Muslims belonging to Ghanchi caste) had left Godhra. Some of them had migrated to Pakistan.

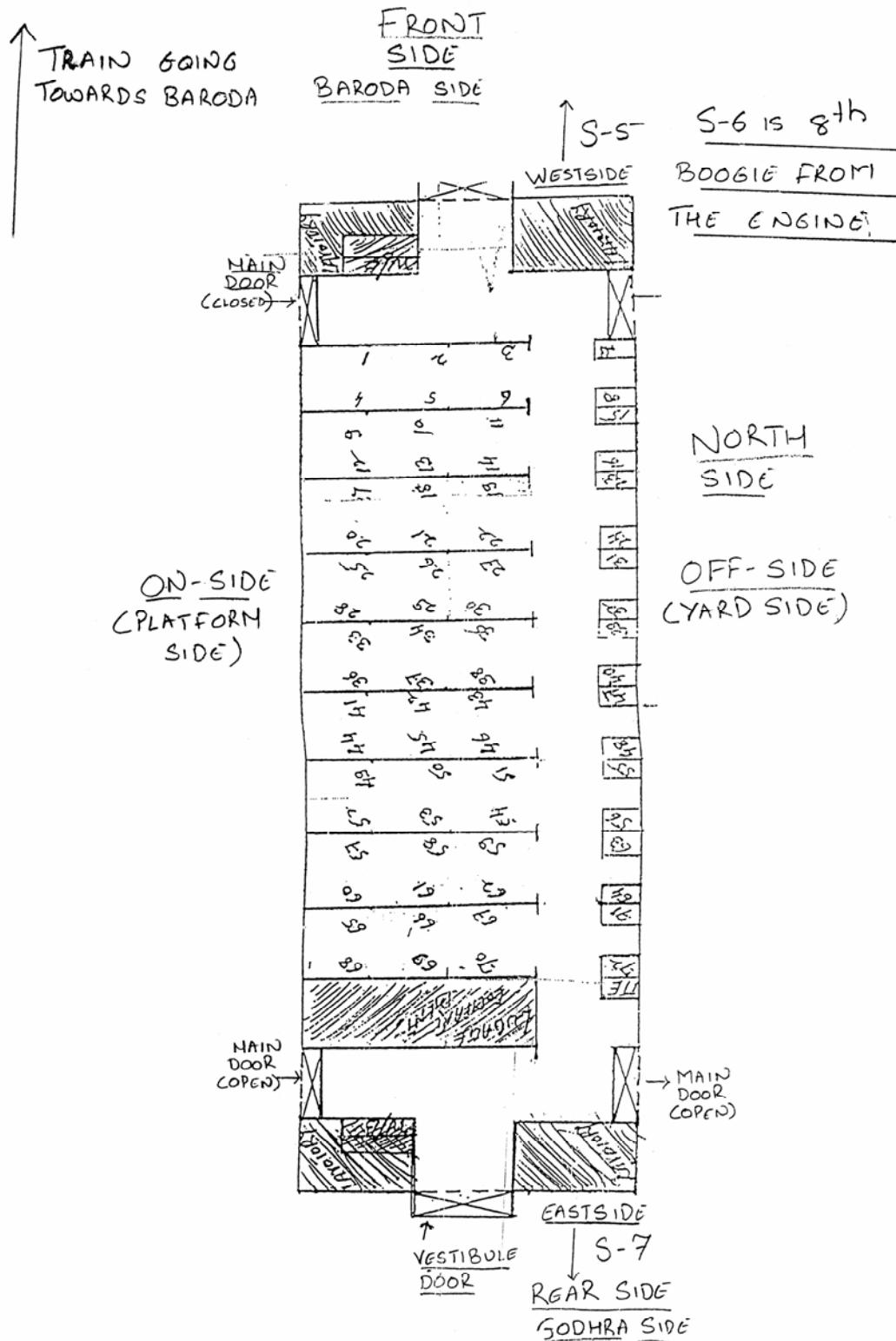
23. Movement for renovation of the Ram temple at Ayodhya was started in 1993. A ‘Sansad’ of Hindu religious organizations had met at Prayag in January, 2001 to fix a programme for ‘Ram Temple Nirman’ i.e. construction of Ram temple at Ayodhya. The programme had started with ‘Jalabhishek’ and was followed by ‘Jap Yagna’. As disclosed by the statement of Vishva Hindu Parishad, lacs of persons through-out the country had participated in the ‘Jap Yagna’. On completion thereof ‘Purnahuti Maha Yagna’ was arranged at Ayodhya. It was to start on 24.2.2002. Vishva Hindu Parishad is a leading Hindu religious organization and had played a prominent role in this programme. It had decided that its members who had taken part in the ‘Jap Yagna’ would go to Ayodhya for the ‘Purnahuti Maha Yagna’. It had also decided that from Gujarat initially three batches of Ramsevaks, each consisting of about 2000 persons, would go to Ayodhya for taking part in that Yagna which was to go on for 100 days. The first batch of Ramsevaks was to consist of 2000 persons from the central and north Gujarat area. It was to leave Ahmedabad by Sabarmati Express train on 22.2.2002 and return to Gujarat again by the same train leaving Ayodhya on 25.2.2002. The second batch was to consist of Ramsevaks of south Gujarat and it was to leave on 24.2.2002 and return on 27.2.2002. The third batch of Ramsevaks of Saurashtra area was to leave on 26.2.2002 and return on 3.3.2002. Accordingly the first batch of 2200 Ramsevaks, led by its General Secretary, had left Gujarat on 23.2.2002. They had started their return journey on 25.2.2002.

24. Sabarmati Express train is a direct and convenient train for persons going from Gujarat to Uttar Pradesh. It leaves from Ahmedabad for going to its destinations in Uttar Pradesh. On its journey from Uttar Pradesh to Gujarat, it (as 9166 Up) starts from Muzaffarpur on Mondays, Wednesdays and Saturdays. On Tuesdays, Fridays and Sundays it (as 9168 Up) starts from Varanasi and on Thursday it (as 9164 Up) starts from Faizabad. Sabarmati Express train which had reached Godhra railway station on the morning of 27.2.2002 had started from Muzaffarpur on 25.2.2002. According to the scheduled time it should have reached Dahod, the first station in Gujarat, on 26.2.2002 at 23-34 hrs. and Godhra on 27.2.2002 at 2-55 hrs. It was running late by about 5 hours and so it had arrived at Godhra at 7-43 hrs. The train consisted of 18 coaches. 10 coaches were sleeper coaches, 6 coaches were of general type and the remaining 2 coaches were SLR coaches which carry goods, passengers and the guard. It had two engines. The position of two engines and the coaches of the train on that day was as shown in the following sketch:

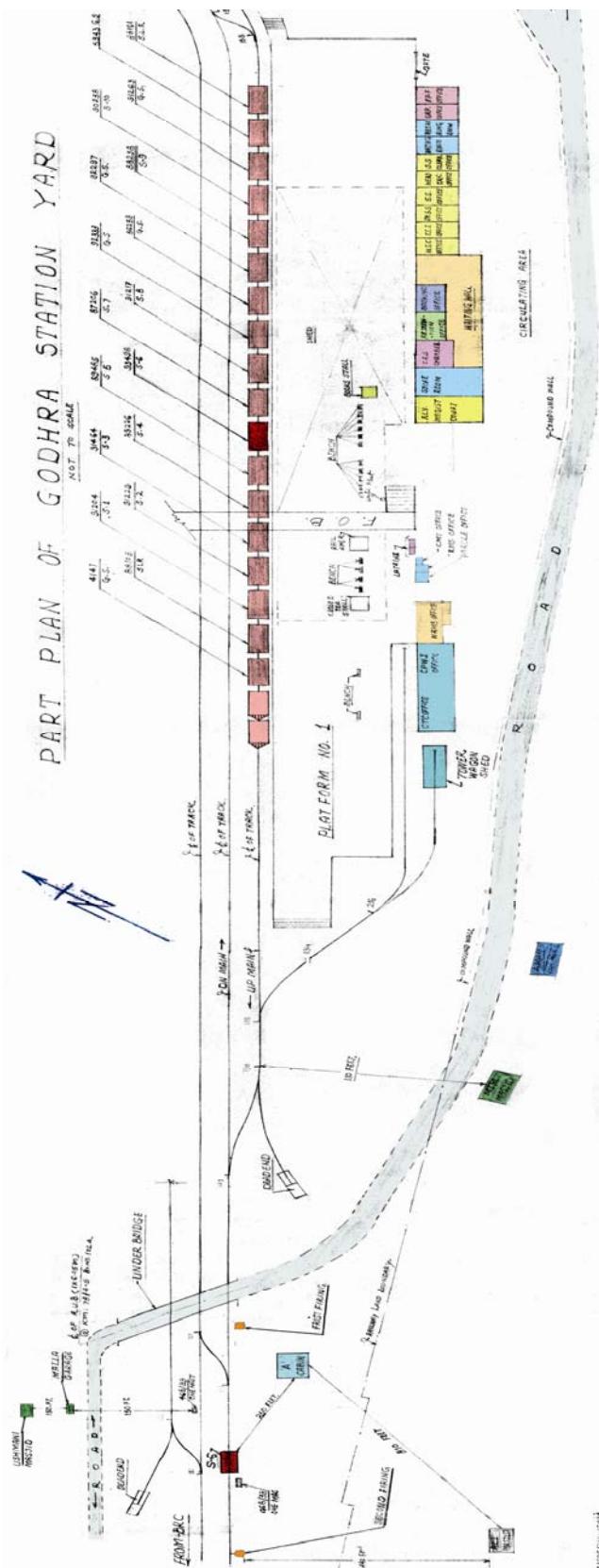


25. The train was heavily over crowded. Apart from other passengers, there were about 2200 Ramsevaks travelling therein. Most of them had no reserved accommodation. As they were in large number, they had become bold and entered into sleeper coaches also and occupied berths for which other passengers had reservations. All coaches of the train were so much over crowded that the ticket checkers could not enter the coaches and check tickets of the passengers.

Coach S/6 was also heavily over-crowded. The passengers had to sit on the floor in between the seats, in the passage and near the latrines. The following sketch shows the arrangements of seats etc. in that coach:-



26. The following map shows the position of the train when it stood on the platform. It also shows the topography of the Godhra railway station and part of the railway yard:



27. It can be seen from the map that Godhra railway station is facing south. The platforms are on the northern side of the station. Ratlam is shown on the east and Vadodara is shown on the west. There is an office block on platform no.1. On the eastern side it ends with RPF office and on the west it ends with the Parcel Office. Leaving some place on the west there are three other offices, namely, WPMS office, CPW office and CRCC office. Part of the platform between Parcel office and the office of the Station Superintendent is covered with a roof. Rest of the platform is open. Thereafter the whole area is open upto 'A' cabin and is a part of the railway yard. There is some open space with a boundary wall behind the office block. After the boundary wall there is a road and immediately thereafter there is a locality known as Signal Falia. It extends upto the culvert and goes further towards A cabin. It is a locality mainly inhabited by Ghanchi Muslims. The map also shows the position of Aman Guest house, MIS Masjid, culvert and "A" cabin. The closed tea stall, latrine block, water hut and the book stall situated on the platform no. 1 are also shown in the map.

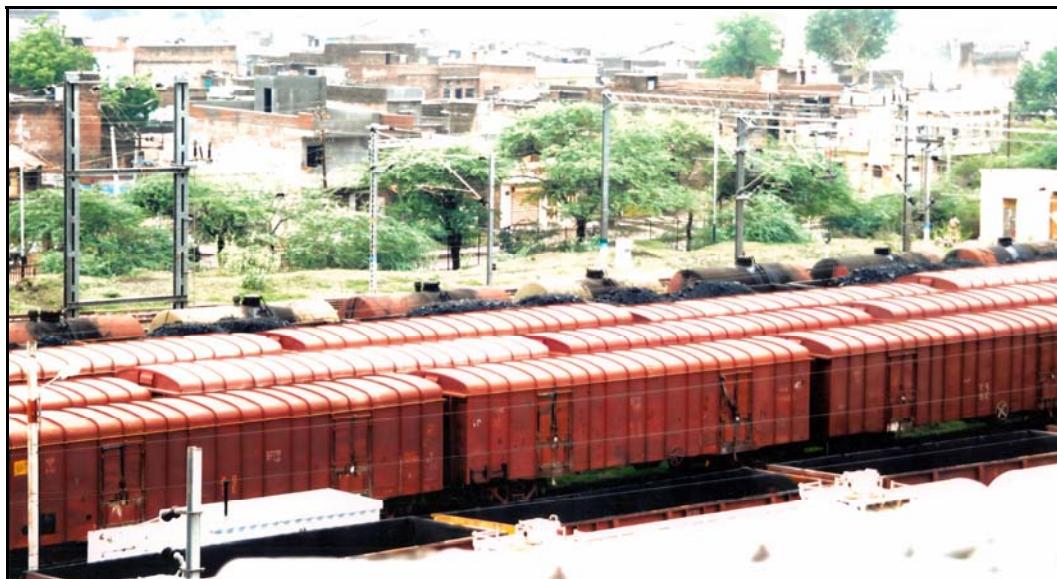
28. The following pictures also give a general view of the Godhra railway station and the surrounding area. The front side of the station, the platform, small open ground behind the railway office and Signal Falia are clearly visible therefrom.











29. Total length of platform No. 1 is 1680 feet. Length of the platform covered with a roof is about 550 feet and thereafter length of the open platform is about 1130 feet. The distance between the railway station and 'A' cabin is about 826 mtrs. i.e. 24578 feet. As disclosed by the evidence on record, the last coach of the train was somewhere opposite the Superintendent's Office. Coach S/6 was opposite the entrance and the booking office and in between there were benches for passengers to sit. Coach S/1 was opposite the closed tea stall. One general coach and the front SLR coach were on the open part of the platform. Coach S/3 was opposite the latrines. Coach S/2 was opposite the Parcel office and RMS office.

30. When Sabarmati Express train had arrived at Godhra, Dy. Station Superintendent Yusufali Saiyad and Assistant Station Master Rajendraprasad Meena were on duty and were sitting in their offices. At 'A' cabin, Assistant Station Master Harimohan Meena and ASM Akhil Kumar Sharma were on duty. Jaysinh Khatija in-charge Station Superintendent had come to the Station at 7.48 a.m. when Sabarmati Express train had just started its onward journey. ASI Galabhai (W-22) was the P.S.O. in charge of the Railway Police Staion. There were about 10 Police Constables of GRP and 2 Police Constables of RPF at or

near Platform No.1 on which the Sabarmati Express train was standing. The evidence also shows that at Godhra railway station, many unauthorised vendors come on the platforms to sell eatables, biddis, cold drinks etc. and most of them are Ghanchi Muslims.

31. Sabarmati Express train had arrived at Godhra railway station at 7.43 a.m. Its scheduled halt at Godhra railway station was of 5 minutes. During that halt of 5 minutes some incidents are stated to have happened. The Ramsevaks had a qurrel with Siddiq Bakar, a tea vendor. He was given two stick blows. Some other Ramsevaks had beaten one Siraj and also Mohamed Latika. The fourth incident stated to have happened was an attempt to abduct Sofiyabano a Muslim girl standing on the platform by a Ramsevak by pulling her towards the train. During that halt at the Station, there was pelting of stones on the front side of the train, by the persons standing outside the station. Some passengers standing on the platform had also thrown stones towards those persons. Two police constables had made the passengers sit in the train and disperse the outsider.

32. After the scheduled stop of 5 minutes Sabarmati Express train started its onward journey at 7.48 a.m. At this stage it is sufficient to mention that there is some discrepancy in the evidence on this point. The difference in time is of 2-3 minutes. Soon after the train had started the alarm chain was pulled and the train had stopped after covering distance of about 60-70 meters. Even after the chain pulling the train had remained on the platform. Why and from which coaches chain was pulled is a matter of dispute. The evidence indicates that it was pulled from coaches bearing Nos.83101, 5343, 91263 and 88238. The other version suggested for our consideration is that chain was pulled from coach No.90238 or some other coach also. The Commission is also required to consider two rival versions regarding the reason why the chain was pulled. According to one version, some passengers were left behind on the platform when the train had

started. The other version canvassed by the Government is that the chain was pulled in pursuance of the conspiracy to stop the train and set it on fire but that was done prematurely. According to the plan, the chain was to be pulled after the train had left the platform and moved little away from the station.

33. From which coaches the alarm chain was pulled, would not have been a material issue but for the fact that a point has been raised for our consideration by the Jan Sangharsh Manch and some other parties that Sabarmati Express train was not stopped near 'A' cabin by some persons pulling the alarm chain in pursuance of the conspiracy alleged by the State, but it had stopped there because it could not go further as a result of continuous application of brake, as chain pulling from coach no.90238 or some other coach was not set right before the train had started from the station. The reason suggested for not setting right the chain pulling from that coach is that by the time chain pulling from two coaches was set right, pelting of stones on the train had again started and therefore, that work was left incomplete and the assistant driver who was doing that work had immediately rushed back to the engine. This fact has been suggested by the Jan Sangharsh Manch as the reason for the assistant driver to leave the work of resetting the chain incomplete. The version based upon the evidence of the railway staff is that chain pulling from all the four coaches was set right and after confirmation of completion of that work, the driver was told to proceed ahead.

34. The train again started its onward journey at 7.55 a.m. On this point also there is some discrepancy in evidence and on the basis thereof a contention has been raised before the Commission that what has been stated by the station staff in this behalf is not true and the train had really left the station at about 8.00 a.m. Distance between the station and A cabin is about  $\frac{3}{4}$  kmt. and ordinarily it takes about 3 to 4 minutes for a train to cover that distance. By the time the train had left the platform, a mob had started collecting near the station on the signal Falia

side. It had started running along with the train and throwing stones on it. The TTE and the passengers were required to close the doors and windows of their coaches on that side. Again there was chain pulling and the train had stopped near A cabin. As stated earlier, Jan Sangharsh Manch and some other parties have disputed that again there was chain pulling and for that reason the train had stopped near A cabin. Their contention is that it had stopped on its own because the earlier chain pulling was not completely set right. They have also disputed collection of a mob and an attack by it on the train.

35. The engine and some coaches of the train had crossed the cabin and other coaches were towards the station side. As regards what happened thereafter the version of the State Government is that while the train had thus stopped near A cabin small group of persons rushing from the Signal Falia side had started attacking the train heavily with stones. Within a short time it had swollen into a big mob. The engine driver and assistant driver were given a threat that if they got out of the engine they would be cut into pieces. ASM Rajendraprasad Meena who was at the A cabin, on hearing the whistle blown by the driver and seeing that the train had stopped, had got down from the cabin, to find out what had happened and to help in resetting the alarm chain. On seeing the groups of persons rushing forward the train and throwing stones on it, he had to rush back to the cabin. He had informed the staff at the station about what was happening near A cabin and called for help. Attack with stones had continued for about 10 to 15 minutes. On being so instigated by some persons from the mob coach S/6 was made the target of the attack. Its windows were broken and through those open windows, stones, burning rags and some inflammable liquid contained in pouches and bulbs were thrown inside the coach. The passengers inside the coach had to struggle to protect themselves from that attack. Some of them had tried to cover the windows which had become open due to attack with their bags to prevent stones, etc. from coming inside the coach. They had to take shelter on the upper berths or below the seats

for protecting their persons. According to the passengers, burning rags and liquid thrown inside the coach had caused lot of smoke and started burning seats and other things inside the coach. That had caused so much smoke in the coach that the passengers were not able to see clearly. It had also caused breathing problem. As some passengers had raised shouts that there was fire in the coach, there was a rush for getting out of the coach. Because of the presence of hostile and attacking mob on the Signal Falia side, the passengers had no choice but to get out on the yard side only. It had become difficult to locate the doors. Therefore, bars of some windows on the yard side were forcibly removed and some passengers had gone out through those windows. The State's version is that at about that time some of the conspirators had cut the vestibule between coach S/6 and coach S/7 and also forcibly opened the door connecting S/6 it with coach S/7. Standing near the latrines some persons who had entered the coach with carboys containing petrol had thrown them inside the coach. Some conspirators had also entered the coach through its door on the southern side which was opened by conspirators who had entered the coach through the connecting door. They had thrown petrol filled carboys inside the coach. Thereafter there was a big fire in the coach and it had spread very rapidly leaving no time for the passengers to escape. It caused the death of 59 persons and injury to many others. Information was given to the concerned officers immediately about what was happening and as a result thereof the required police force and fire brigade had reached the place of incident within a short time. The higher officers had also rushed to that place. The police had to use force and resort to firing to bring the situation under control. There was again an attack on the train, police and the passengers by the mobs at about 11.00 o'clock. At that time also the police had to use force to disperse the mobs. The burnt coach S/6 and the adjoining coach S/7 were separated by about 11.30 a.m. after taking them away to a different place in the yard. The train was then reassembled. It left Godhra at 12.40 p.m.

36 The impact of the incident was so much and wide spread that it had led to communal riots in Godhra immediately and throughout Gujarat within a short time. They had continued at some places for a long time.

## **CHAPTER-IV**

### **EVIDENCE AND FINDINGS**

37. The Commission examined 72 witnesses in its effort to collect reliable evidence and find out how the Godhra incident had happened. They have given evidence on oath. Most of them have deposed about what they had seen and what was heard by them. Thus, most of the evidence is in the nature of direct evidence. Witnesses from the railway have further stated what was done by them. The other set of evidence consists of statements and documents and is corroborative in nature. The direct evidence consists mainly of the passengers of that train and the railway staff including its police force. Entries made in the records, reports made by the railway staff to their higher authorities and evidence of experts from the Forensic Science Laboratory are the main pieces of corroborative evidence.

38. Obviously the main question that arises for consideration by this Commission is: What was the cause of the fire? However, in view of the points of controversies raised before the Commission, it has become relevant and useful to consider certain other aspects also, including what was the initial version. According to the passengers, the coach was set on fire by the Muslim mobs which had attacked the train. The version of the guard and railway officers of Godhra was that coach S/6 was set on fire. The policemen belonging to GRP and RPF and all those persons who had rushed to the place of incident were told that the coach was set on fire. The information which the reporters of the print media and electronic media had gathered was that the Muslim miscreants had first attacked the train with stones and broken the windows of coach S/6 and thereafter burning rags and petrol were thrown inside the coach and that had set the coach on fire. The relevant parts of the news published on front pages of the leading newspapers on the next day after the incident are reproduced below :-



# ગોધરા

પાના : ૧ ક્ર. રૂ. ૨-૦૦ પેસા  
REGD NO.GAMC-26★ R.N.I.REG.NO.1584/57 સંખ્યા ૨૦૫૮-૨૧ વર્ષ, તંત્રીસ્થ. શ્રી ચીમનાઈ સેચાઈલ પેટેલ \* તંત્રીસ્થ. શ્રી ચીમનાઈ ચીમનાઈ પેટેલ \* અને ૧૩૦૭ વિસ્. ૨૦૦૫, માય ૧, ૨૦૧૩નાં દેખાવાનું, શ્રી ચીમનાઈ સેચાઈલ પેટેલ \* અને ૧૩૦૭ વિસ્. ૨૦૦૫, માય ૧, ૨૦૧૩નાં દેખાવાનું, <http://www.sandesh.comSANDESH-AHMEDABAD>

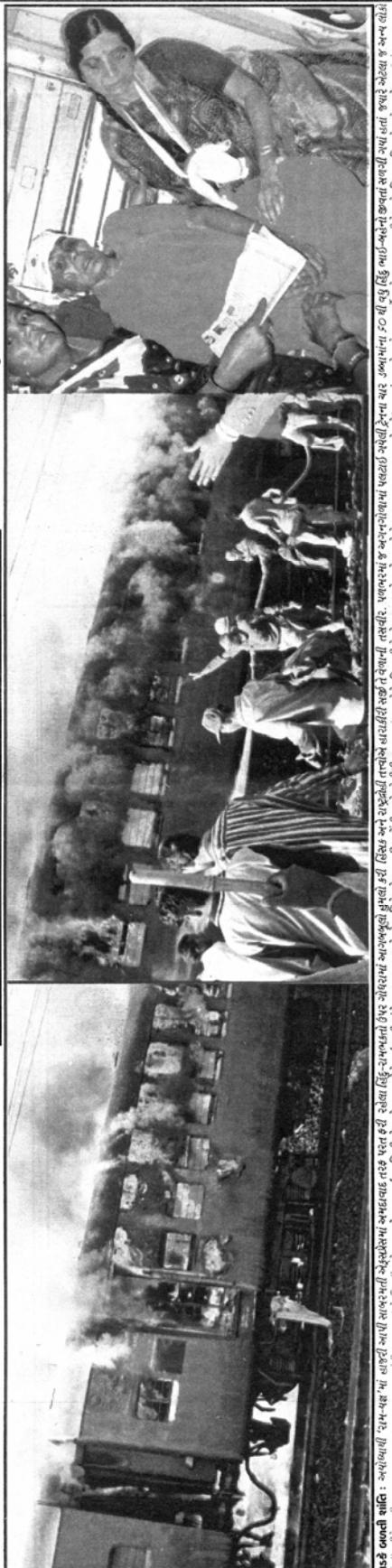
અયોધ્યાથી રામ સેવકોને લઈને આવી રહેલી સાલરમતી ઓક્સપેસને લીસક ટોળાંએ લડકે ભાણી

- ગોધરામાં લેખુંટી કરકર્યાં: દેખો ત્યાં હાટના આદેશ
- ગોધરા બાદ અમદાવાદ, વડોદરામાં હિયનિ રૂફોક

- રૂમાખોરો ચાસે કર્કદ વાયે કરાનો: અકડવાળીનો ગાદેશ
- આસરગ્રાસન મુસાફરોને લદ્ય અમદાવાદ પહોંચેલી દેણી

## આલે કિંદમાં ૬૦ કિંદમાં ઉધત અસરવાયા

- રૂમાખોરો ચાસે પ્રાણ થતું દેખાયારી સે ૨૦૦૫, માય ૧, ૨૦૧૩નાં દેખાવાનું, શ્રી ચીમનાઈ સેચાઈલ પેટેલ \* અને ૧૩૦૭ વિસ્. ૨૦૦૫, માય ૧, ૨૦૧૩નાં દેખાવાનું, શ્રી ચીમનાઈ ચીમનાઈ પેટેલ \* અને ૧૩૦૭ વિસ્. ૨૦૦૫, માય ૧, ૨૦૧૩નાં દેખાવાનું, <http://www.sandesh.comSANDESH-AHMEDABAD>
- રૂમાખોરો ચાસે પ્રાણ થતું દેખાયારી સે ૨૦૦૫, માય ૧, ૨૦૧૩નાં દેખાવાનું, શ્રી ચીમનાઈ સેચાઈલ પેટેલ \* અને ૧૩૦૭ વિસ્. ૨૦૦૫, માય ૧, ૨૦૧૩નાં દેખાવાનું, શ્રી ચીમનાઈ ચીમનાઈ પેટેલ \* અને ૧૩૦૭ વિસ્. ૨૦૦૫, માય ૧, ૨૦૧૩નાં દેખાવાનું, <http://www.sandesh.comSANDESH-AHMEDABAD>



କୁଳାଳ ପରିମାଣ ହେଉଥିଲା  
କିନ୍ତୁ ଏହାର ଅଧିକାରୀଙ୍କ  
କାହାର ଦେଶରେ କିମ୍ବା  
କିମ୍ବା କିମ୍ବା କିମ୍ବା

અને ગજરાત બધાનું એલાન: વ્યવસ્થિત મનાતી ધૂમાસ્પદ ઘટનાને ચારે તરફથી કિટકાર

JAIHIND - AHMEDABAD, REGD. No. GAMC-127, R.N.I. RGN. No. 6301/62, પુસ્તક નંબર : ૪૧૫૭, અંક : ૩૩, યુલિયર, તા. ૨૮-૧૨-૨૦૦૨, સેવા રૂપનું માટ્યા ૧૧૫૨-૫૮૧૧૦૫૧ પણા : ૧૨ ક્રમાંક ૩૧.૧૨-૦૦ પેસા।  
અધ્યક્ષ : જાહીન્ડ, પ્રાણી પ્રદીપ, આકૃતિ રોડ, અહેડાલાં.  
<http://www.jaihinddaily.com>



In violence, we forget who we are.  
— May McCann



Email all the NRI's you know to track Budget 2002 live  
at [www.timesofindia.com](http://www.timesofindia.com)

# THE TIMES OF INDIA

Mumbai, Thursday, February 28, 2002 City

18 Pages

## 57 die in ghastly attack on train Mob targets Ram sevaks returning from Ayodhya, riots in Godhra

Said Shakhi

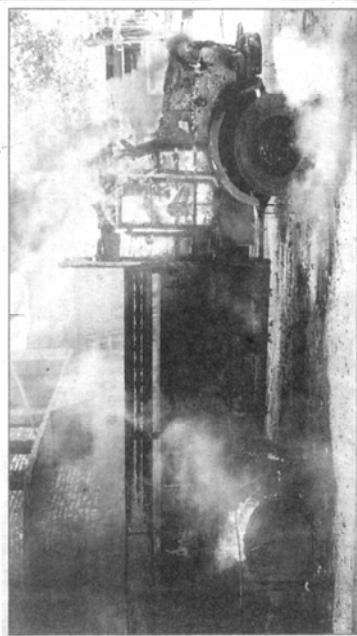
Times News Network

GODHRA: In a ghastly incident which has shocked the collective conscience of the entire nation, at least fifty seven people were burnt alive and many injured when the Ahmedabad-bound Sabarmati Express was Stoned and set on fire by a mob at Godhra junction Wednesday morning. The victims were mostly Vishwa Hindu Parishad (VHP) Volunteers returning from Ayodhya with their family after participating in a religious ceremony for the construction of the Ram Mandir.

The dead included 25 women and 14 children, most of whom were in the S-6 coach which was completely charred as the mob put petrol cans to deadly use. About 26 persons were rushed to Godhra Civil Hospital with burn injuries. Survivors said the train was first pelted with stones and petrol bombs around 7.30 am, couple of hundred meters from the Godhra junction, as it left the railway station.

The train was stopped near Singal Falna, a notorious area of Godhra, as some one apparently pulled the chain. A mob rushed towards the two coaches (S6 and S7), pelting stones initially. Once the windows were broken, they drew petrol bombs inside, "said survivors, the S6 coach was doused with petrol and diesel from outside and set fire even as the passengers crowded on helplessly, crying for help.

At 11 am, the coach stood badly burnt, with a heap of bodies lying strewn across Panchmahals district collector



Godhra

(Inset)

(Inset)

According to one view the attack was apparently unprovoked and this mob incited by fiery speeches from the mosque at Singal Falna is as yet not fitting to the VHP activists who were on board. A police official claimed that those living in Singal Falna had heard rumours that the Ram sevaks on Sabarmati Express had attacked a mosque in Dabhoi.

The message of attack on most of the passengers delayed to those reading a Singal Falna and that provoked the Godhra incident," said the official.

► Editor: Fires of Fanaticism

Jayant Ravi, who put the death toll initially at 6 and then raised it to 30 by afternoon finally gave a death figure of 55 in the evening. "A count was difficult in these circumstances as most of the bodies were in a heap," he said. "My brother is missing. He was in S6 with me. I somehow managed to escape," said Hirabhai Unnecdas who was admitted to Godhra Civil Hospital.

"About 500-600 people started pelting stones. They broke the windows. We tried to climb the insides. We failed to climb the upper berths, but soon smoke engorged the coach and there was panic. I was pulled out from a window and VHP district president Brijesh Patel and his son Mandar Patel from Bhavnagar and Nikant Bhaitia was injured. There were 22 activists with me in the coach. All are missing now," Bhaitia said.

There were conflicting reports about how the entire incident happened.

**BANDH VS BUDGET**  
The 'bandh' in Gujarat will overshadow the Union Budget to be presented by Finance minister Yashwant Sinha today. All educational institutions have been ordered closed and all examinations cancelled. Magots will remain closed. All over the state and public transport is also expected to be affected.

Many public functions have been cancelled.

A 24-hour ban on shop-

ping that can be used for shopping

Bennett, Coleman & Co., Ltd.

18 Pages

# The Indian Express

16 on INTERNET <http://www.expressindia.com>

**58 killed in attack on train with kar sevaks**

**ROHIT BHAN**  
GODHRA, FEB 27

**F**IIFTY-EIGHT people died and 25 were injured in a fiery attack on kar sevaks returning from Ayodhya by the Sabarmati Express when it was pulling out of Godhra.

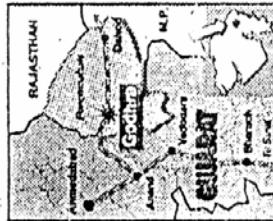
men, according to the Vishwa Hindu Parishad (VHP).

The adjoining S-5 carriage was also partly damaged in the attack. Chief Minister Narendra Modi has ordered a high-level inquiry into the incident. He announced Rs 2 lakh in compensation for next of kin of those killed in the violence.

The official toll in the Godhra attack is 58 dead, including 25 women and 15 children. The number of injured was put at 43, including nine women and three children. Of them 20 are being treated as in-patients at the Godhra civil hospital.

Railway Police Force (RPF) commandant Dr S.N. Pandey said 15 of his men posted at the station had rushed to the spot and fired at least four rounds to disperse the mob.

"But the miscreants had by ~~then~~  
torched the carriage," he said.  
Two fire-engines arrived a little



- The Vishwa Hindu Parishad has called for a Gujarat bandh on Thursday.
- The Gujarat Secondary Education Board announced that all schools and colleges and other educational institutes would remain closed on Thursday. Typing exams for SSC candidates, scheduled for Thursday at several schools, have also been postponed.

- Information about the dead and injured in the attack on the train will be available from the Gandhinagar control room of the home departmental phone number 3221476. The railways will give out details at these phone numbers: 2147997 and 211503 in Ahmedabad; 362012 in Vadodara; and 49531 in Godhra.

later. It took them more than an hour to douse the fire. Godhra, about 100.

**TURN TO PAGE 2  
SEE ALSO PAGE 2, NEWSLINE**

# THE ASIAN AGE

No. 232

Ahmedabad Thursday 28 February 2002

16 Pages Rs.2

## 1,500-strong mob butchers 57 Ramsevaks on Sabarmati Express GUJARAT HORROR STORY

By HITARTH PANDYA

Godhra (Gujarat), Feb. 27: A mob of 1,500 reportedly belonging to a minority community, attacked a bogie of the Sabarmati Express ferrying VHP activists and other passengers from Ayodhya at Godhra, 70 km from Baroda, using iron rods and swords, and hacked to death over 50 passengers.

Following the incident, curfew has been imposed at Godhra and a massive police force has been deployed.

Government sources said it was a pre-planned attack on Vishwa Hindu Parishad activists returning from Ayodhya after participating in the Maha Yagna (Karseva) at the disputed site of the Ram Mandir.

The incident took place at around 8.45 am when the Sabarmati Express, heading for

Ahmedabad, arrived at the Godhra junction. As the train left the station after the routine stop, the emergency chain was pulled and the train halted. As soon as the train stopped a mob of more than 1,500 persons, reportedly belonging to a minority community, attacked the passengers travelling in the S-6 coach with iron rods and swords.

Inflammable substances were also thrown into the coach, which led to a fire in a portion of the bogie and several passengers (illegible)

The train was again attacked at the Baroda junction, in which an unidentified man was killed. In yet another attack on

■ Turn to Page 2  
**PAGE 3**

39. The Commission did not feel it necessary to get translated whole reports published in Gujarati as they contain other details relating to the incident. Only the main parts thereof are translated in English. The report in Gujarat Samachar was, “....Today as certain fanatic elements set on fire with petrol four coaches of the train 57 males, females and children were burnt alive because of the fire which had spread inside the coach and 43 persons had received serious injuries.” In ‘Sandesh’ daily the report was, “Today in the morning a monstrous mob of more than 500 having set on fire coaches overcrowded with passengers and more particularly by the Hindu devotees returning after attending Ram Yagna in Ayodhya more than sixty persons were burnt alive.” “Today in the morning at some distance from Godhra railway station, as previously planned, Sabarmati Express train tightly overcrowded with passengers, a violent mob of more than 500 persons having set on fire coaches full of Hindu devotees more than 60 persons were burnt alive. In the report published in ‘Jai Hind’ what has been stated is “Attack on the train at Godhra. Sixty burnt alive.” It is further stated that according to the information available, the Sabarmati Express train was surrounded by a mob and it was stoned from all the four sides. Moreover, young persons who had come with weapons had caused damage to the coaches of the train and had made an attempt to set them on fire. On the front page of ‘The Times of India’ the report was “The train was stopped near Signal Falia, a notorious area of Godhra, as someone apparently pulled the chain. A mob rushed towards the two coaches (S/6 and S/7), pelting stones initially. Once the windows were broken, they threw petrol bombs inside.” “Said survivors, the S/6 coach was doused with petrol and diesel from outside and set fire even as the passengers cried on helplessly screaming for help.” In the “Indian Express” also the report was that “Almost all the dead were inside the S-6 carriage, which was set ablaze by a mob that witnesses said was throwing stones, smashing window panes with iron rods, and pouring petrol and lobbing burning rags inside. ‘The Asian Age’ had reported: “As the train left the station after the routine stop, the emergency chain was pulled

and the train halted. As soon as the trains stopped, a mob of more than 1500 persons, reportedly belonging to a minority community, attacked the passengers travelling in the S-6 coach with iron rods and swords. Inflammable substances were also thrown in the coach, which led to a fire in a portion of the bogie and several passengers.....”

40. No person had suggested for quite a long time that fire in coach S/6 of Sabarmati Express train was caused in any other manner. In response to the Notification issued by this Commission, Jan Sangharsh Manch filed its statement supported by an affidavit on 10.6.2002. In that affidavit they showed their concern for the incidents which had happened in Ahmedabad on 28.2.2002 and 1.3.2002 wherein about 250 hutments were attacked. Thereafter on 1.7.2002 Mr. Amrish Narendra Patel, advocate describing himself as an active member of Jan Sangharsh Manch, filed a statement/affidavit questioning the version of criminal conspiracy advanced by the State Government. What he has stated therein is that he had visited Godhra along with some of his colleagues on 9.6.2002. He had also gone through the F.I.R. in respect of the Godhra incident and the statements of witnesses recorded by the police. On the basis of material collected by him, it appeared to him that burning of coach S/6 was because of the spontaneous scuffle and fight that had taken place between Ramsevaks and Muslim vendors on the platform of Godhra railway station and not because of any conspiracy hatched earlier.

41. Gujarat Pradesh Congress Committee, in its statement cum affidavit dated 1<sup>st</sup> July, 2002, signed by its then President Chaudhari Amarsinh Bhilabhai, has stated: “It is stated that the incident of Godhra is a planned one and is an act of conspiracy. I say that it must be an act of conspiracy because it could not have happened that such carnage could happen suddenly and spontaneously.” What has been suggested therein is that it was because of negligence of the State

Government that the Godhra incident had happened and that what had happened thereafter was because of “ total inaction, omission, connivance and even instigation of the State Minister under the nose of Chief Minister”

42. Till July, 2002 neither Jan Sangharsh Manch nor Gujarat Pradesh Congress Committee nor anyone else had suggested that the Godhra incident had not happened in the manner reported by the media and as stated by the State Government and others including the concerned railway personnel and the passengers but it had happened in a different manner. Some persons appear to have started questioning that version after the Forensic Science Laboratory gave its report on 7.5.2002, wherein it is stated that as windows of coach S/6 were about 7 feet high from the ground level it was not possible for any one standing outside on the ground to throw inside the coach any inflammable liquid by carboy or any other container, as in doing so the liquid contained therein would have fallen outside. This aspect of impossibility has been dealt with in the latter part of this report.

43. It was initially suggested that the Ramsevaks travelling by this train had quarreled with some Muslim vendors at Ujjain and Rudauli stations and therefore, by way of retaliation this incident had happened at Godhra. It is therefore, necessary to consider the material with respect to what had happened before the train had reached Godhra to ascertain if there was any connection between the burning of coach S/6 and what had happened earlier.

44. The material discloses that Sabarmati Express train right from the time it had started from Muzaffarpur on 25.2.2002 was running late. About 2000 to 2200 Ramsevaks who had earlier gone from Gujarat to Ayodhya had boarded the train at Ayodhya for coming back to Gujarat. The train was heavily over crowded. The position of sleeper coach S/6 was also similar. There were more than 200 persons

therein. Most of them were Ramsevaks. There were other passengers also. Those passengers had boarded the train from different stations like Faizabad, Lucknow or Kanpur. Ticket checker Deepak Chhablani (W-14) who had boarded the train from Ujjain at 2-00 a.m, has stated in his evidence before the Commission that he had obtained reservation charts from the guard and at that time noticed therefrom that no checking had taken place between Ayodhya and Ujjain as the train was over crowded. He had also found it difficult to enter into coaches which he was expected to check including coach S-2 where he was supposed to sit after checking tickets of the passengers. He could get into that coach and occupy his seat only after he was helped by 2 railway policemen in doing so. He has also stated that the train was not checked till Ratlam where he had handed over the charge to T.T.E. Sajjanlal Raniwal (W-15). Describing the position of coach S-2, he has stated that the coach was full of members of VHP and Bajrangdal. Not only all the seats of that coach were occupied by the passengers but many of them were sitting and sleeping on its floor including space near latrines. There was no scope for moving inside the coach. He had given the same version about overcrowding in the train in his statement made to Senior Divisional Commercial Manager, W.R. Ratlam on 28.2.2002. What he had stated was: 'हिलने डुलने की भी स्थिति नहीं थी'.

45. Sajjanlal Raniwal ( W 15 ) who was the ticket checker from Ratlam onwards has stated in his deposition before the Commission, that the train had arrived at Ratlam station at about 4-30 a.m. . He had tried to enter into coaches S-3 and S-4 which he had to check and also other coaches but as they were over crowded and closed from inside and passengers had not opened them, he was required to go to the Guard's compartment and sit there.

46. The evidence of these two witnesses discloses that there was over crowding in all the coaches of the train. As regards sleeper coach no. S/6 there is evidence of the passengers who had travelled in that coach disclosing that it was heavily over crowded. It appears from their evidence that there were more than 200 passengers in that coach. It was a 3 tier sleeper coach and had 72 berths therein.

47. The passengers examined by the Commission have also referred to the over crowding in the train. Radheshyam Mishra, (W-1013), a retired army havaldar had boarded the train at Faizabad with his family. He had reservation in coach No.S/7. He was not allowed to enter that coach. After he had made requests to the passengers inside coach no. 6 in Gujarati language and told them that he was a lame person, he was allowed to get into that coach. He has stated that the coach was so over crowded that it was impossible to find any place to sit. With difficulty he was able to find for himself and members of his family some space on the floor of that coach near seat No.7. Many passengers were sitting near the latrines and in the passage and, therefore, it was difficult for the passengers to move inside the coach or to go to the latrines.

48. Shri Ramfersing, (W-40) working as a Line Inspector in the Telephone Department in Gujarat was returning with his family members from his native place in Uttar Pradesh. He had boarded the train at Lucknow. He had reservation for berths 62, 63 and 64 in coach no.S-6. He had found that berths reserved by him were occupied by the Karsevaks. Only after repeated requests made by him the Karsevaks had vacated only one lower berth for him and his family members. Satishkumar (W-41) had reservation for berths 33, 34 and 35 but had to be satisfied with one berth only which was vacated for him and his family by the Karsevaks. Govindsing, (W-46) an army Subedar had reservation for berth no. 9. That berth was occupied by female Karsevaks and they did not allow him to

occupy that berth, He could manage to get one seat on berth no. 32. Punamkumari (W-49) was travelling with her father-in-law, mother-in-law, brother-in-law and her son and had reservation for berths 18, 19, 20 and 21. Only one berth was vacated by the Karsevaks for them. Lalanprasad (W-44) had reservation for berths 8 and 72. He was allowed to occupy only one berth. Shilaben Virpal (W-47) who was travelling with her husband and daughter-in-law had reservation for berths Nos.58, 59 and 61. The Karsevaks had refused to vacate those berths and, therefore, they had to sit on the floor near those berths. Ramnaresh (W-1015) had to sit with his family members near latrines along with 20 to 25 other persons who were already sitting there .He was not allowed to occupy any of the berths reserved by him . So also passenger Virpal had to sit on the floor of the coach. He had complained to the T.T.E but was told by the T.T.E. that it was impossible for him to do anything in those circumstances. The evidence and statements of other passengers who had travelled in that coach disclose almost the same thing about over crowding in that coach.

49 All this evidence shows that coach S-6 was heavily over crowded. There were more than 200 persons therein. Most of them were Ramsevaks. Many passengers had to sit on the floor of that coach. They had to sit between the seats and in the passage right upto the latrines on either side of the two ends of the coach. It was difficult for the passengers to move inside the coach or to go to the latrines as there was hardly any space to walk. We are referring to this aspect as a point has been raised but not seriously pressed that fire in coach S/6 could have been caused because of a kerosene stove used by some passenger for cooking inside the coach getting overturned and kerosene therefrom getting spilled. This aspect has been dealt with in detail by us later on.

50. As regards the journey between Ayodhya and Godhra the evidence of Radheshyam (W-1012) is that the Karsevaks were singing bhajans and shouting

slogans in the train. They had not done any mischief. At Rudauli station he had seen heavy police bandobast. On inquiry he had come to know that it was because of a quarrel between some boy and the Karsevaks. He had not come to know anything else about it. Denying the suggestion that the said quarrel was between the Karsevaks travelling in coach S/6 and the boy on the platform this witness has said that he had not come to know between whom the said quarrel had taken place. There is no evidence to show as to who that boy was and whether he was a Muslim or a Hindu. There is no evidence to show when the quarrel had taken place. The evidence on this point and the suggestion made to this witness are so vague that it cannot be said on the basis thereof that a quarrel had taken place between the Karsevaks travelling by this train and a Muslim boy or a boy connected with Ghanchi Muslims of Godhra, at Rudauli railway station. Ticket Checker Deepak Chhablani (W-14) has stated that the journey between Ujjain and Ratlam was peaceful. It was suggested to this witness by advocate Shri Daymakumar appearing for Jamiat-Ulma-E-Hind, that there was a quarrel between some passengers of the train and tea vendors at Ujjain railway station. Dipak Chhablani has categorically stated that no such incident had taken place. In his statement to the Sr. Divisional Manager W.R.Ratlam he had stated that- “દાહોદ તક ગાડી શાંતિપૂર્વક ગયી।“. There is no evidence indicating that any quarrel had taken place between the Karsevaks travelling in that train and tea vendors or any other person at any of the previous stations or in the train. There is no material indicating any quarrel having taken place between Ramsevaks and any Muslim at any of the previous Stations. Only thing that the evidence shows is that the Ramsevaks were shouting slogans like “Jai Shri Ram”, “Mandir Banayenge,” etc. at the intervening stations after getting out of their coaches. Such slogans were also raised by them from inside the coaches while travelling in the train. Inspite of such boisterous behaviour of the Ramsevaks, the journey from Ayodhya to Godhra was peaceful and no incident had happened in between those stations.

which can even remotely be connected with the incident of burning of coach S/6 of Sabarmati Express train at Godhra.

51. Only other evidence on this point is that of Assistant Sub-Inspector Ratnabhai and Head Constable Lakhabhai of Dahod railway out post. They have stated that when the train had arrived at Dahod railway station, some Ramsevaks travelling in the train had come out on the platform for taking water, tea etc. and they had raised slogans like 'Jay Shri Ram', 'Mandir Banayenge,' 'Mandir Vahin Banayenge Ramka Nam Badhayenge'. They have further stated that as they had seen so many Ramsevaks travelling in that train they had thought it fit to inform the Godhra railway police about the same. Accordinngly they had sent a message to the Godhra Railway Police Station at about 6-45 a.m. An entry (Exh.5893) to that effect was also made in the register kept at Dahod Railway Outpost.

52. From the evidence of all these witnesses and other material on record it becomes clear that except over crowding in the train and occasional raising of slogans inside the train and on platforms of the intervening stations, the Ramsevaks had not done anything and no incident had happened earlier which could have led to the incident which later on happened at Godhra. In absence of any evidence whatsoever indicating any incident on the way, the Commission has no hesitation in coming to the conclusion that the suggestion made by Jamiat-Ulma-E-Hind that a quarrel had taken place between Ramsevaks and vendors at Ujjain railway station is without any basis. Its journey from Ayodhya to Godhra was trouble free.

53. The evidence also shows that whenever a train arrives at Godhra railway station, many unauthorised vendors come on the platforms to sell eatables, biddis, cold drinks etc. This fact is disclosed by the evidence of PI M.J.Jhala ( W-17 ) and Dy.Station Superintendent Yusufali Saiyad (W-6). PIJhala has stated that about

15 vendors with their hand lorries sell their goods on the platform. Some other boys also come on the platform to sell their goods when A train arrives. Dy. S.S. Yusufali Saiyad has deposed that when a train arrives at the station, many vendors without any licence come on the platform with tea, eatables, etc. for selling them. Ajay Kanubhai an employee of one tea vendor, in his police statement dt. 4-7-2002, has named those vendors and disclosed how they were doing business on the platform when the trains used to arrive at Godhra railway station. As stated by him it was done almost in an organized manner. A vendor could do only that business which he was permitted to do by their leader. Almost all the vendors coming on the platform to sell their goods were 'Ganchi' Muslims. He has also stated that Salim Panwala was the leader of the vendors. Salim Panwala and Razak Kurkur were good friends and had much control over the vendors who were either forced or induced to sell fake pouches of mineral water, fake areted drinks and other articles of Razak Kurkur. All the vendors were afraid of Salim Panwala and Razak Kurkur. The vendors themselves were strong headed persons and neither the railway staff nor the railway policemen were able to control them.

54. ASI Galabhai (W-32) was the P.S.O. at that time. From his evidence and the evidence of other policemen it appears that when Sabarmati Express train had arrived at Godhra railway station, there were about 10 police constables of G.R.P. and 2 police constables of RPF on duty at or near platform no.1. ASI Galabhai and P.C.Dalabhai were inside the railway police station. Police Constables Laxmansinh, Hamendra, Hirabhai and Kiritsinh were on night station duty. Police Constables Chhatrasinh, Mahendrasinh, Pujabhai and Prabhatsinh were on night general duty. Head Constable Kanubhai and Police Constable Somabhai were performing duty on the off side of the train. These two constables and four more Police Constables were kept present by way of additional force as he had earlier received information that many Ramsevaks were coming by the Sabarmati Express train. Head Constable Shrimohan Yadav and Police Constable Karansinh of RPF were performing duty between CPWI office and 'A' cabin . From the statements given by these policemen to the police, it appears that six

policemen were present on platform no. 1 when Sabarmati Express train had arrived at Godhra railway station.

55. Dy. S.S. Yusufali Saiyad (W-6) and A.S.M. Harimohan Meena (W-7) have stated that Sabarmati Express train had arrived at Godhra at 7-43 a.m. Copies of the relevant records maintained at the station have been produced before the Commission. They also mention 7-43 a.m. as the time of arrival of that train. There is, however, some difference between their evidence and the evidence of Satyanarayan Varma (W-2), the Guard, Rajendraraao Jadav (W-4), the engine driver and Mukesh Pachori (W-5), assistant engine driver on this point. According to the guard and the assistant engine driver, the train had arrived at Godhra at about 7-40 a.m. The driver's evidence is that it had arrived at 7-42 a.m. This difference appears to be the result of each witness having noted the time according to the clock available with him. It appears that their clocks did not show the same time at the same moment. There was no other reason for them to give different timings. This discrepancy in time is not material except that it has some relevance as regards the time when the train had started from Godhra Station.

56. There is sufficient evidence to show that the scheduled halt of Sabarmati Express train at Godhra was of five minutes. Dy. S.S. Yusufali and other witnesses from the railway have stated so in their evidence. The time table published by the railways also supports them. Moreover, this is not a matter of dispute.

57. The evidence regarding what happened at the station during its halt of five minutes consists of the depositions of the witnesses and statements recorded by the police and other authorities. It shows that many passengers had come out on the platform from their coaches for taking tea or other drinks, eatables etc. At that time there were many vendors on the platform. They were standing at different places. Sidik Bakar, a tea vendor was standing near the book stall at his usual

place which was little away on its west. Some Ramsevaks who had taken tea from him had an altercation with him as regards payment of money for the same. According to the Ramsevaks they had paid for the tea but Sidik Bakar had maintained that the Ramsevaks had not done so. In this altercation, some Ramsevaks had given two stick blows to Sidik Bakar.

58. TTE Sajjanlal Raniwal (W-25) in his statement made to Senior Divisional Commercial Manager, W.R., Ratlam has stated that after arrival of the train at Godhra , he had made an attempt to enter into some coaches as he was not able to do so earlier. At that time, he had noticed that there was an exchange of words between some passengers and some persons standing on the platform. The relevant part of the statement is as quoted below:

“दाहोद तक गाडी शांतिपूर्वक गयी। गोधरा स्टेशन पर गाडी जैसे ही पहुंची, वैसे ही मैं गाडी के कोचेस मे जाने का पुनः प्रयास किया। गोधरा स्टेशन पर जब मैं उनके पास पहुंचा तो देखा कि कोच के यात्रियो का प्लेटफोर्म पर खडे कुछ लोगों से विवाद हो रहा था।”

59. Mukesh Makwana (W-48) who was travelling in coach S/7 has referred to this incident in general terms. Savitaben Sadhu travelling in coach S/6 has stated that when the train had started from Godhra railway station, some Karsevaks were saying that there was a quarrel with one tea vendor on the platform. Other passengers, namely, Shri Ramfersing (W-40), Satishkumar (W-41), Lalanprasad (W-44) though had not personally seen the said quarrel have stated that when the train was standing at the Godhra railway station they had heard some noises indicating a quarrel. They had not come to know between whom it was. Witness Govindsinh (W-46) had gone on the platform but had immediately returned to coach-6 as other passengers were saying that a quarrel had taken place.

Punamkumari (W-49), Lallakumar (W-1011) and Radheshyam (W-1013) have also stated that they had come to know that some quarrel had taken place as they had heard loud noises coming from the platform. Shri Ramnaresh Gupta (W-1015) had alighted on the platform for taking tea but because of the quarrel he had immediately returned to his coach. While he was still on the platform, he had seen one Muslim tea vendor running away from there. That man was shouting but he had not come to know why that tea vendor was running away. This witness in reply to the questions put to him by the advocate for Jan Sangharsh Manch has stated that he had gone on the platform for taking tea, and when he had told one tea vendor to give him tea, he had not listened to him and had run away from that place. He had felt that he was a Muslim. That person was shouting but he had not come to know why he was doing so.

60. Jaysinh Katija (W-1), incharge Station Superintendent has stated that when he had gone near 'A' cabin, where the incident had happened, he had found that the passengers were very angry. When District Collector Jayanti Ravi had inquired from them in his presence about what had happened, the passengers had told her that some passengers had an exchange of words with one tea vendor on the platform.

61. Ajay Kanubhai in his police statement dt. 4-7-2002 has stated that on 27-2-2002 he had gone to the station at about 7-00 O'clock to sell tea of his master Maheboob Popa. After Sabarmati Express train had arrived on platform no.1 he had stood near coach S/3. He had seen Mohmad Latika running and coming towards him. When he had asked him as to why he was running, he was told that a quarrel had taken place between Sidik Bakar and Karsevaks and he was being beaten. At that time, some 6 or 7 Karsevaks had come there and asked both of them to speak "Jay Shri Ram". He responded but Mohmad Latika being a Muslim did not speak "Jay Shri Ram". So the Karsevaks had started beating Mohamed

Latika but he was able to escape. He had gone away running towards the engine. After going near Signal Falia, he had started raising shouts that they were being beaten. He has then stated about pelting of stones on the train by persons standing outside. This witness in his statement before J.M.F.C. Godhra recorded under Section 164 Cr.P.C. on 9-7-2002 has reiterated what he had stated earlier before the police.

62. P.C.Srimohan Jadav (W-23) who was performing duty near CPWI office alongwith police constable Karansinh had heard some noises coming from platform no.1. He had, therefore, gone on platform no.1. He has stated that there he had come to know that there was a quarrel between passengers and one vendor on the platform but he had not come to know at that time why the said quarrel had taken place.

63. Shri Raju Bhargav (W-31), who was the Superintendent of Police at Godhra at the relevant time and who had rushed to the place of incident near 'A'cabin immediately, has stated in his evidence recorded by the Commission that he had tried to gather information from the passengers as to what was the cause for the incident and at that time, he had come to know that there was some scuffle when the train was on the platform. He could not get any clear picture on the basis of the information which he had then got, as one version was that there was a dispute regarding payment for tea to one tea vendor and the other version was that a Muslim girl was pulled and taken by some Karsevak inside the train.

64. In his police statement dated 27-2-2002, ASI Chhatrasinh has stated that he and police constable Mahendrasinh were performing duty on platform no. 1 when Sabarmati Express train had arrived there. Sometime thereafter Sidik Bakar, a tea lariwala and Siraj rickshawala had met him on the platform and told him that they were beaten by the Karsevaks who were travelling by the Sabarmati

Express train. Both of them had shown their injuries to him. Therefore, he had told them to give a complaint in that behalf, but they had not done so and had gone away towards 'A' cabin.

65. Head Constable Kanubhai who was performing duty on the off side of the train had gone to platform no. 1 after the train had left and when he had inquired about pelting of stones on the train, he was told by ASI Chhatrasinh that there was some quarrel between Karsevaks and one tea vendor. Police constable Mahendrasinh was with ASI Chhatrasinh and he has also stated the same thing. Police constable Prabhatbhai in his statement dated 1-3-2002 has stated that Sidik Bakar and Siraj Rickshawala had met him on the platform and they had told him that they were beaten by the Karsevaks. Police constable Ramabhai was with head constable Kanubhai and he has also said the same thing.

66. All these witnesses had no reason to say something which was not correct. What they have said deserves to be believed. Their evidence when read together, establishes that a quarrel had taken place between Ramsevaks and a tea vendor. Who that tea vendor was is disclosed by the police statement of Ajay Kanubhai Bariya given on 4.9.2002. As regards the assault by one Ramsevak on Siraj Mitha, a rickshawala, who was standing on the platform near the water hut, there is no direct evidence of any witness. Ajay Bariya himself being a vendor, his presence on the platform at the time when the train had arrived was quite natural. As stated by him, he was standing near coach S/3 and, therefore, he could have seen Maheboob Latika and Siraj coming running from the rear side of the train and going towards the engine. His conduct in asking Mohmad Latika why he was running was also quite natural and there is no reason to disbelieve his version about those incidents. Merely because he has not come forward to give evidence openly against Ghanchi Muslims of Godhra out of fear and risk involved, what he had stated in his statements need not be discarded. The Commission after

consideration of evidence of all these witnesses finds no reason not to accept their evidence. The fact that there was a quarrel between Ramsevaks and a tea vendor is not only, not disputed but is accepted by the parties opposing the State Government's version about the main incident. What is submitted by them is that what had happened on the platform during the train's 5 minutes halt at the Station had led to the subsequent attack on the train and it was not because of the conspiracy alleged by the State Government.

67. One more incident of attempted abduction of Sofiabalu (W-51) is stated to have happened while the train was standing at the station. On 27-12-2002, learned advocate for Jamiat-Ulma-E-Hind gave an application for calling Sofiabalu before this Commission to give evidence. It was stated in the application that as she is cited as a witness in the charge sheet filed by the police, her evidence is likely to help the Commission in bringing out the truth. On 6-1-2003 the Commission passed an order allowing that application. She was examined as a witness on 13-1-2003. In her evidence she has stated that on 23.2.2002 she alongwith her sister and mother had gone from Vadodara to Godhra to celebrate Idd festival. They had stayed with their mother's sister Jaitunbibi who was then residing in Signal Falia. They had gone to the railway station on 27-2-2002 at about 7-30 in the morning as they wanted to go back to Vadodara by Memu train. They were sitting near the water hut when Sabarmati Express train had arrived on the platform. Some persons wearing saffron colour Pattas (cloth belts) and shouting 'Jay Bajrang' had come out on the platform from the train. They had beaten one bearded person, and therefore getting frightened they had moved little away from that place. Soon thereafter one person with a saffron colour belt had put his hand on her mouth and by pulling her, had tried to take her towards the train. On her raising shouts, he had left her hand. They had thereafter moved away from that place and gone near the ticket window. As they had become very much

frightened they did not go to Vadodara on that day and returned to her mother's sister's place.

68. After careful scrutiny of her evidence, the Commission comes to the conclusion that the version given by her does not appear to be true. If they had really gone to the station for going to Vadodara, they would have boarded Sabarmati Express train as it would have taken them to Vadodara earlier, but they had not done so. The alleged attempt to abduct her was made while they were near the book stall. That would mean that they were almost in the middle of the covered portion of the platform and very close to the offices of the railway staff. The evidence discloses that there were many persons on the platform. Apart from passengers, many Muslim vendors were there. The railway staff was present in their offices. Some policemen were also present. If she had raised shouts to save her then they would have been heard at least by some persons who were near about but not a single vendor or anyone else has come forward to support her version. According to her evidence, they had then gone inside the office of the booking clerk. They did not inform anyone there about what had happened. When inside that office, they had no reason to be afraid of anything thereafter and return immediately to their relative's place instead of waiting for the Memu train which was about to arrive. Her explanation that she was much frightened and had giddiness and, therefore, they had decided not to go back to Vadodara on that day, does not appear to be true. That Ramsevak's behaviour was not such as to create so much fear. He had immediately gone away from that place. He alone had made an attempt to abduct her. It is also difficult to believe that a Ramsevak had attempted to abduct a Ghanchi Muslim girl from Godhra railway station and that too in presence of so many persons. Likely consequences of such an act would have deterred any Ramsevak from doing so. Her evidence is that they had gone away from the railway station when Sabarmati Express train was about to start. By that time most of the Ramsevaks must have gone inside the train. As regards when

she had talked about this incident to anyone, she has stated that 3 or 4 days after the incident she was taken to a relief camp which was set up in Iqbal School and there she was questioned by some press reporters. After about a month her statement was recorded by the railway police. In her police statement she had stated that after about 5 or 6 days somebody belonging to their caste had taken her to Iqbal school. As she had not stated anything to anyone about this incident till then no outsider would have come to know about the same. Under the circumstances, it becomes doubtful and suspicious why somebody had approached her after about 5 days and taken her to a relief camp and that too at the time when press reporters were present. Salim Panwala had raised shouts before Sabarmati Express train had started from the station that one Ghanchi Muslim girl was being abducted by the Karsevaks. Salim Panwala was not present near that place and had not seen the alleged attempt to kidnap Sofiyabanu and yet he had raised a shout that a Ghanchi Muslim girl was being kidnapped by the Karsevaks. The evidence discloses that Salim Panwala had appeared on the platform at about the time when Mohmad Latika and Sidik Bakar had gone running near the open space towards the engine side. For all these reasons the Commission is inclined to take the view that such an incident had in fact not happened and probably what Sofiyabanu has stated was at the instance of Salim Panwala who had spread such a false rumour. It appears to be an attempt to pass off the false rumour as true. If what Salim Panwala had said was true, then an attempt would have been made to look for her while the train was standing on the station for about 8 to 10 minutes thereafter. No body had done that.

69. The evidence also discloses that during the five minutes halt at the station there was pelting of stones on the front side of the train by persons standing outside the station and some passengers standing on the platform had also thrown stones towards those persons. Witness Shrimohan Jadav (W-23), a RPF Police Constable has stated that when Sabarmati Express train had arrived on the

platform he was present near the CPWI office. He heard some shouts coming from platform No.1 and, therefore, he had gone there. He had noticed that some passengers and outsiders were throwing stones at each other. He and his companion police constable had made the passengers sit in the train and by movement of their sticks directed the outsiders to disperse. That was the part of the train which was exposed to Signal Falia as it was outside the portion of the platform covered by the railway office block and the roof over the platform. Shrimohan was a police constable of RPF and an independent person. Probably for that reason his evidence has remained almost unchallenged. No reason is suggested for not believing him. His evidence establishes that before the train had started some persons standing outside the station near Signal Falia had thrown stones on the first two or three coaches of the train and passengers standing near those coaches had also thrown back stones towards those persons and that he and his companion police constable had made those passengers sit in the train and disperse the outsiders.

70. After the scheduled stop of five minutes Sabarmati Express train started its onward journey at 7.48 a.m. That is so stated by Dy. S.S. Yusufali Saiyad and ASM Harimohan Meena. Copies of entries produced from the charge book register, punctuality register and train signal register also show that the train had started at 7-48 a.m.. There is some difference between their evidence and the evidence of the guard and the driver regarding the time at which Sabarmati Express train had started. According to Satyanarayan Varma, the guard and assistant engine driver Mukesh Pachori Sabarmati Express train had arrived at 7.40 a.m.. and had started at 7.45 a.m.. According to driver Rajendrarao Jadav, on receiving the signal at about 7-45 a.m. he had blown the whistle. Thereafter on getting 'all clear' signal from the guard, he had started the train. Thus according to his evidence, the train had started its onward journey at 7-47 a.m. A.S.M. Rajendraprasad Meena who was at the 'A' cabin had given a signal at 7-45 a.m. to

the train to start as the line was clear. He has also stated that the train had then started at 7-48 a.m. The record maintained at the station supports what Dy. S.S. Yusufali Saiyad has stated. What the driver and the guard have stated is supported by the record maintained by them. As a matter of fact, there is no controversy on this point. Small difference in time is for the reason stated by us earlier.

71. The evidence discloses that soon after the train had started, there was chain pulling. Many passengers, the two drivers, guard and other railway officers have stated so. According to driver Rajendrarao's evidence, the train had stopped after covering distance equivalent to the length of about two coaches i.e. about 45 Mtrs. The evidence of another witness is that the distance covered was about 70 to 80 Mtrs. How much distance the train had covered is not of much importance. Even after the chain pulling travelling such the train had remained on the platform when chain was pulled. The evidence of the driver discloses that as usual, he had thereupon blown the special whistle indicating pulling of the chain. He had also informed the guard about it on walkie-talkie. He had then directed his assistant Mukesh Pachori to check coaches from which the alarm chain was pulled and to set it right. After some time he was informed by his assistant driver that chain pulling was from the guard's coach and three other coaches and that he had re-set the chain. He was told that chain was pulled from coaches bearing nos. 83101, 5343, 91236 and 88238. These numbers were noted down by him in his note book. Attention of this witness was drawn to that note (Exh.175) and he was asked some questions about it. In reply to those questions, he has stated that the words written therein are 'ACP of four coaches' and that was written in respect of the first chain pulling. He has also stated that in his note book, the arrival time shown is 7-40 a.m. and the A.C.P. is shown at 7.45 a.m. His evidence as regards what he was told by Mukesh Pachori and his noting down the numbers of coaches from which alarm chain was pulled has remained unchallenged. The fact that the alarm chain was pulled is not in dispute. It is therefore, not necessary to discuss evidence

of each and every witness on this point. We are referring to this aspect as one of the points raised by the Jan Sangharsh Manch is that there was chain pulling from coach No.90238 also.

72. Why and from which coaches the alarm chain was pulled would not have been the issues requiring our consideration, but for the two rival versions having important implications. The Government's version is that the alarm chain was pulled to achieve the object of the conspiracy hatched by Razak Kurkur, Salim Panwala and others to stop the train and set it on fire, but by mistake it was pulled before the train left the platform and therefore, it was again pulled after the train went out of the station, to stop it at the desired place in the yard. The other version is that the chain was pulled because the train had started before all the passengers could get into the train and it had stopped because it could not go further as a result of continuous application of brake, for the reason that chain pulling from coach No.90238 was not set right when the train had started from the station. By the time Mukesh Pachori had set right chain pulling from two coaches, pelting of stones on the train had again started and, therefore, he had left that work incomplete and immediately rushed back to the engine. The implication is that stopping the train near 'A' cabin was not in pursuance of any conspiracy.

73. Guard Satyanarayan Verma and one passenger Sadhvi Minaxideviji (W-1008) have stated that chain pulling had taken place because some passengers were left behind on the platform when the train had started. The Guard had not seen any passenger who was left behind. He has stated that someone had told him that some passengers were left behind. The chain was pulled from the guard's coach and nearby three coaches. That would mean that the passengers of those coaches were left behind if at all that was so. Otherwise there would have been no reason for the passengers of those coaches to pull the chain. The Guard had given signal for starting the train by waving a flag. If passengers of nearby coaches were

left behind on the platform, he would have noticed them while doing so. Sadhvi Minaxideviji (W-1008) had merely inferred like that because she had seen some persons thereafter getting into the coach in which she was sitting. She did not know whether those persons who were seen by her getting into the coach had earlier gone out of that coach or whether they were different persons who were really left behind when the train had started. She was a passenger of coach no. S/7. The alarm chain was not pulled from that coach. The chain was pulled from the coaches which were on the rear side of the train. There were four coaches in between. Inference drawn by her from the fact that some persons were seen by her getting into the coach in which she was sitting is really a guesswork on her part and thus of no value. The evidence given by both the witnesses is not of any help in reaching the right conclusion on this point. Considering the shouts which were raised by Mohamed Latika and Salim Panwala and the subsequent events which had taken place, it appears to the Commission that the chain was not pulled by the passengers because some passengers were left behind on the platform.

74. Mukesh Pachori (W-5) who was sent by driver Rajendrarao Jadav to go and set right the chain has stated that chain pulling was from the last four coaches. They were not adjoining coaches. The guard was with him while resetting was done. In his statement dt. 27-2-2002 made to the police, it is stated that chain pulling was from choaces bearing nos, 83101, 5343, 51263 and 88238 and that after going back to the engine he had given numbers of the coaches to driver Rajendrarao Jadav. His evidence that the chain was pulled from four coaches has also remained unchallenged. No attempt was made to establish from the evidence of this witness that the chain was pulled from any other coach. He was the person who had gone for resetting the chain pulling and was therefore, the best person to say from which coaches the chain was pulled. Yet not a single question was asked to him to ascertain if chain was pulled from any other coach also. This witness has stated that the coaches from which chain was pulled were not adjoining coaches.

75. Satyanarayan Varma, (W-2) the guard has stated that on coming to know about pulling of the alarm chain he had come out of his coach to check the coaches from which the chain was pulled and to set it right from his end. He had found that the alarm chain was pulled from his coach and other coaches ahead of his coach. The chain pulling was set right and thereafter the train had started. In his statement given to the police on the same day he had given numbers of four coaches from which according to him, the chain was pulled. The numbers as noted in the statement are 83101, 5343, 51263 and 88238. It appears that Mukesh Pachori and Satyanarayan Verma had either made a mistake in stating correctly the number of one coach while giving their statements to the police or the police had made a mistake in hearing and writing that number correctly. There was no coach in the train having number 51263. The correct number of the coach was 91263..The material on record shows that the last coach was an SLR coach meant for passengers, guard and luggage.and its number was 83101. Number of the adjoining coach was 5343 and it was a general coach. Number of coach thereafter was 91263. It was also a general coach.The coach next to that coach was bearing number 91263. It was also a general coach. Number of coach thereafter was 90238 (S-10) and thereafter there was a coach bearing number 88238 (S-9).

76. Dy. S.S. Yusufali Saiyad, (W-6) has also stated that he had sent ASM Harimohan Meena to find out what had happened and after some time he had reported to him orally that by the time he had reached those coaches, the chain pulling was already set right. He was told by ASM Harimohan Meena that the chain pulling was from three coaches before the guard's coach. ASM Harimohan Meena (W-7) has stated that he was told by the guard that chain pulling was from three rear coaches.

77. The controversy in this behalf has arisen because Deputy S.S. Saiyed in his police statement dated 1.3.2002 had stated that chain was pulled from three

coaches adjoining the guard's coach and bearing Nos.5343, 91263 and 90238. On the basis of his statement and that of ASM Meena, a point has been raised by Jan Sangharsh Manch that chain was pulled from coach No.90238. Both these witnesses had no personal knowledge about the coaches from which the chain was pulled. By the time ASM Meena had reached the train the setting right work was over and he had not seen from which coaches the chain was pulled. ASM Meena knew only what he was told by the guard and Dy. S.S. Yusufali Saiyed knew that which was conveyed to him by ASM Meena. Dy. S.S. Yusufali Saiyad. Dy. S.S. Yusufali Saiyed had not moved out of his office. Both these witnesses have not given numbers of the coaches while giving evidence before this Commission and have stated that chain pulling was from those coaches. As against their evidence, the persons who were concerned with setting right pulling of chain have positively stated that there was chain pulling from coaches Nos.83101, 5343, 91263 and 88238 which would mean that there was no chain pulling from coach No.90238. There was no attempt to establish that what the guard and the assistant driver Mukesh Pachori have stated in their evidence is not correct. The evidence of the driver, assistant driver and the guard has to be regarded as more reliable than other evidence because they had set right the chain. The evidence of the driver and the guard is supported by documentary evidence also. The driver's note book, a copy of which has been produced on record supports the oral evidence of the driver. The guard had also noted down numbers of the coaches from which the chain was pulled and thus his oral evidence also receives support from the contemporaneous documentary evidence. On appreciation of this evidence, the Commission comes to the conclusion that chain pulling was from coaches Nos.83101, 5343, 91263 and 88238 and there was no chain pulling from coach No.90238. What Dy.S.S. Saiyed had stated in his police statement was not correct. What ASM Meena has said is that chain pulling was from three rear coaches. That would mean that it was from coaches Nos.83101, 5343 and 91263 only. The guard had not disclosed numbers of coaches to ASM Meena nor ASM Meena in his turn had given

numbers to Dy.S.S. Saiyed. As he had heard ASM Meena as saying that the chain pulling was from three coaches preceding the guard's coach, Dy.S.S. Saiyed appears to have given numbers of the coaches on the basis of the record available in their office. The attempt made to show the possibility of chain having been pulled from coach no.90238 or some other coach is based on a mistake made by Dy.S.S. Saiyed and it has to fail.

78. The evidence discloses that even before the train had left the platform after the first chain pulling, pelting of stones on the train had again started. RPF Police Constable Shrimohan (W/23) has stated that after the train had stopped on the platform because of chain pulling there was pelting of stones again by persons standing outside the station..He and police constable Karansinh had gone near that place and made those persons run away from there. Thereafter the train had started. All these facts were thereafter reported by him to his office. He has further stated that pelting of stones was on the front part of the train i.e. towards the engine side. When the train had started after the first chain pulling, he had noticed one small mob near the Signal Falia". Gulabsinh Tadvi who was a Parcel clerk and was in his office at the relevant time, has stated in his police statement recorded on 1-3-2002, that after the train had stopped as a result of chain pulling, he had seen persons who were standing behind the parcel office, throwing stones on passengers who were standing on the platform and the passengers were also throwing back stones on those persons. Hariprasad Joshi (W-1009) has stated that soon after the train had started he and other passengers were told to close windows of their coach as there was likelihood of pelting of stones on the train. Immediately after the train had moved some distance pelting of stones had started. He has also stated that even when the train was standing on the platform after the first chain pulling, pelting of stones had started. Satishkumar Mishra (W/41) has stated that the train had stopped on the platform immediately after it had started and at that time also pelting of stones had continued. Bhupatbhai Dave (W/43) has stated that the train had stopped soon after it had started and at that

time pelting of stones had started. Lalanprasad (W/44) has also stated that when the train had stopped after pulling of the alarm chain stones were thrown on the engine side of the train. After the train had started, throwing of stones had continued and, therefore, they were told by others to close doors and windows of their coach. Radheshyam (W/1013) and Ramnaresh (W/1015) have also spoken about pelting of stones when the train was still on the platform after the first chain pulling. The fact of pelting of stones is not in dispute. As stated earlier, the rival version is almost based upon it.

79. The Commission having found as a fact that there was no chain pulling from coach No.90238, the question whether chain pulling from that coach was set right or not would not really arise. The other evidence also rules out that possibility. Driver Rajendraraao has stated that he had started the train after chain pulling was re-set and he had taken "all right" clearance from the guard. He was put number of questions by Jan Sangharsh Manch as regards the level of vacuum getting reduced as a result of pulling of chain and what happens if the engine continues to pull the train. He has stated that there is one gauge in the engine showing level of vacuum. When the alarm chain is pulled the vacuum gets reduced and that is indicated by the gauge. If the chain is pulled from more than one coach then reduction of vacuum would be more. He has denied that if the chain pulling is not properly re-set, then again the vacuum will start dropping on its own. According to him even if chain pulling is from one coach, then because of vacuum created thereby, the train will not proceed further. He has also denied the suggestion that the engine can pull the train even when vacuum becomes less as a result of pulling of chain. Even if there is chain pulling from one coach, vacuum will start getting decreased in all other coaches and thus the brake will start applying to all the coaches. The train will not stop immediately after the chain pulling but it will stop as a result of application of brake after some distance. He has further stated that the meaning of 'all right' is that everything is in order.

He has denied that Mukesh Pachori had told him that he had not set right chain pulling from S/9 because of pelting of stones. He has denied the suggestion that he had pulled the train by applying extra exhaust and in that manner had taken it upto 'A' Cabin. According to him, such a thing was impossible. No material has been brought to the notice of the Commission on the basis of which it can be said that what driver Rajendraraao has said in this behalf is not true.

80. Guard Satyanarayan Varma has also stated that the train had started after chain pulling was set right. In his statement dated 28-2-2002 made to the Senior Divisional Commercial Manager, Ratlam, he had stated that “सहायक ड्राईवर सहाब ने और स्टेशन स्टाफ ने गाड़ी का चैन पुल ठिक किया, ड्राईवर सहाब ने एक लम्बी सिटी बजाई और मेरे से वाकी टोकी पर कहा, चैन ठिक हो गई है और इजन मे वैक्यू आ गया है, तब मैंने कहा मैं ब्रेक पर, पहूचने वाला हू, आपको ब्रेक पर, पहूचते अलराईट दूगा, ब्रेक पर पहूचने पर मैंने गाड़ी को चलाने के लिए जंडी दिखाई गाड़ी बराबर गोधरा स्टेशन से दूबारा चली.”

81. The evidence thus shows that there was a talk between the driver and the guard in this behalf and only thereafter the driver had blown the whistle before starting the train. The evidence of Dy. S.S. Yusufali and ASM Meena also corroborates the evidence of the driver, assistant driver and the guard that pulling of chain was set right before the train had started. The incident of stone pelting was so small that it had not attracted the attention of either the driver of the train or other railway staff. It was noticed by two policemen who were present in that area of the platform. They were able to make the passengers sit in the train and move away from that place the persons who were throwing stones from outside. For that reason also it is highly unlikely that the guard and Assistant driver Mukesh Pachori would have left the work of resetting the chain incomplete.

82. Assistant Driver Mukesh Pachori, while he was giving evidence before the Commission, was not asked whether he had come to know while doing the setting right work that some persons were throwing stones on the train. There is no evidence to show that Mukesh Pachori had come to know at that time that stones were being thrown on the train. The chain pulling was from coaches at the end of the train whereas stones were thrown on the front side two or three coaches. The evidence of Shrimohan and others indicate that it was seen only by those persons who were near that place. It is unlikely that Mukesh Pachori had come to know about it. Even if it is assumed that Mukesh Pachori had come to know about it, there was no need for him to rush back to the engine. Re-setting the chain from that coach would not have taken more than a minute. Moreover it is highly unlikely that he would have set right chain pulling from coaches 88238 and 91263 which were the 5<sup>th</sup> and 3<sup>rd</sup> last coaches respectively and left re-setting of chain pulling from coach no. 90238 which was in between those two coaches or from an adjoining coach if the chain was pulled from that coach. There were many persons on the platform including the policemen, railway staff, vendors and other passengers. He had no reason to get frightened because of throwing of stones by Ramsevaks and the persons standing outside the station. It had not frightened any one else. There was thus no good reason for him to hurry up and give a false report to the driver in order to get the train started that the setting right work of chain pulling was over. He had not to take any decision in that behalf. It is not believable that Mukesh Pachori would not have informed driver Rajendra Rao that he had not set right chain pulling from coach no.90238 and rushed back to the engine as there was pelting of stones on the train. The driver would have at once come to know about it as the train would not have run freely and smoothly and the vacuum guage would have also shown that it was not at the desired level. Assuming that Mukesh Pachori had not set right chain pulling from coach no.90238 and had informed the driver correctly, then it is highly unlikely that driver Rajendra Rao would have started the train in that condition. If what is now

suggested by Jan Sangharsh Manch was true then in all probability driver Rajendra Rao would have preferred to remain on station rather than going out in an open and unsafe place. He would have known that he would not be able to drag the train for a long distance. Moreover it is difficult to appreciate why he would do that as he had nothing to fear of while he was on the railway station. Railway staff and the railway policemen could have taken care of the situation. Instead of taking the responsibility on his head he would have left it to the railway staff to take a decision in that behalf. In fact he had a talk with the guard and only after he was told that the chain pulling was set right that he had blown the whistle before starting the train. The evidence of Dy. S.S. Yusufali and ASM Meena also corroborates the evidence of the driver, assistant driver and the guard that pulling of chain was set right before the train had started.

83. It is equally important to note that neither Dy.S.S. Yusufali Saiyed nor ASM Harimohan Meena has stated that chain was pulled from coach No.90238. Even though many questions were asked to them by Jan Sangharsh Manch and others they were not asked if there was chain pulling from coach No.90238. From the evidence set out earlier, it becomes apparent that numbers of the coaches were not given by Dy.S.S. Yusufali Saiyed and ASM Harimohan Meena to the police on the basis of what was told to them either by the guard or the assistant driver Mukesh Pachori but they had done so on their own. The evidence clearly discloses that neither the guard nor Mukesh Pachori had given numbers of the affected coaches to ASM Harimohan Meena, therefore, he could not have given those numbers to Dy.S.S. Yusufali Saiyed. It appears that from what the guard and assistant driver Mukesh Pachori had said viz. that the chain pulling was from the guard's coach, and three preceding coaches, he and Dy.S.S. Yusufali had while giving their statements had given numbers probably on the basis of position of the engine and other coaches as shown in the record available with them. As against the evidence of the persons who had themselves checked from which coaches the

chain was pulled and had set right the chain pulling, what Dy.S.S. Yusufali Saiyed and ASM Harimohan Meena had stated in their statements given to the police does not deserve to be accepted.

84. There is one more circumstance which rules out the possibility of chain pulling from any coach having not been set right and dragging of the train upto 'A' cabin. Driver Rajendrarao and ASM Rajendraprasad who was at the 'A' cabin have stated in their evidence that they had exchanged 'all right' signal. Driver Rajendrarao has stated that ASM Rajendraprasad had by showing his green flag given 'all right' signal to him. This part of their evidence has remained unchallenged. This fact of exchanging 'all right' signal is of much significance. It necessarily implies that driver Rajendrarao had no problem in proceeding ahead with the train and that he had intended to do so. He would not have exchanged the 'all right' signal if the train was not in a position to move further.

85. The train again started its onward journey at 7.55 a.m. as stated by incharge station superintendent Jaysinh Katija (W-1) and Dy.S.S. Yusufali Saiyad (W-6). They have stated that the work of resetting the chain was completed within about 7 to 8 minutes time. Guard Satyanarayan Varma has stated that it had taken about 10 minutes time to reset the chain. Evidence of Driver Rajendrarao is that for this reason the train was detained at the station for about 14 minutes and it had left the station at about 8-00 a.m.. What Asstt. Driver Mukesh Pachori (W-5), has stated is that he had taken about 15 minutes time in going from the engine to those coaches and returning to the engine after completing the work and thereafter the train had started.. What was submitted on behalf of the Jan Sangharsh Manch was that considering the distance Mukesh Pachori had to walk from his engine to the last four coaches and back from those coaches to the engine, it is not believable that he could have completed the work of setting right the chain of 4 coaches within about 7 or 8 minutes time. It was submitted

that length of each coach was about 22 meters and Mukesh Pachori had to cross about 15 to 16 coaches and therefore, he could not have returned to the engine within 8 minutes time. It was submitted that what Jaysinh Katija and Yusufali Saiyad have stated in this behalf cannot be accepted as correct. They have given wrong timings to show that there was no negligence on their part and that the train was not unduly delayed at the station. It therefore does not become clear as to when the train really started again from the Station.

86. No negligent act on the part of the station staff is shown which was required to be covered up by wrongly mentioning the time taken for putting right the chain pulling. Therefore, they had no reason to give an incorrect account of the time taken by the guard and the assistant driver. It is quite likely that the entries in that behalf were not made immediately by the station staff and were made after some time and therefore, a discrepancy in their evidence and the evidence of the driver and guard has arisen. Mukesh Pachori's estimate of 14 minutes does not appear to be correct. If what he has stated is exactly true then the train would have reached near A cabin at about 8.06 a.m. and not earlier. By 8.05 a.m. the information about the attack on the train near A cabin had already reached District Police Control. Considering the time taken by ASM Rajendraparasad Meena in informing the station staff and further time in informing the District Police Control, the train must have reached near A cabin at about 8.01 or 8.02 a.m. That would put the time of departure latest by 7.57 or 7.58 a.m. The chain pulling was at about 7.49 a.m. The guard had set right pulling of chain from two coaches. So Mukesh Pachori was required to do that work for the remaining two coaches only. Really this aspect is neither important nor of any consequence.

87. What happened after the train again started its onward journey is stated by many witnesses. Sajjanlal Raniwal (W-15) the T.T.E. who was in the guard's compartment has stated that after the train had left the platform, the mob which

was standing on the left hand side (Signal Falia side) had started throwing stones on the train. Therefore, he had closed the windows of their coach. He was sitting on the platform side i.e.on the left hand side of the coach. Then there was again chain pulling and as a result thereof the train had stopped near 'A' cabin. Pelting of stones had continued and it was heavy. Therefore, the guard had informed the Station Master about the same and requested for police help. He had thereafter got down from his coach on the right hand side, as on the left hand side there was a mob of about 400 to 500 persons and it was throwing stones on the train. Persons in the mob were shouting "Maro Maro ". He had also seen one mob towards the front side of the train. They had weapons in their hands. Seeing that mob, he had not proceeded further. After some time he had seen fire in one coach. By that time, some policemen had come but they had only sticks with them. So they could not do anything. After seeing fire in a coach, he was very much frightened. In reply to the questions put to him, he has stated that when the train had stopped, their coach was near the culvert. Stones had broken glass of the window of their coach. When he had alighted on the right hand side of the train, he had not seen anyone throwing stones but because of sounds of stones striking against the coaches, he could make out that stones were being thrown on the train. He had, therefore, made an attempt to see what was happening after going towards the rear side of the Guard's coach and had found that persons in the mob were throwing stones. He has also stated that even before the train had stopped, he had closed the windows of their coach because of pelting of stones. He has stated that he had noticed smoke coming out from one coach after about 10 to 15 minutes. This witness was sitting on the platform side i.e. towards the Signal Falia side and as such he could have seen the mob on that side. In reply to the question put to him, he has stated that when the train had left the station, window of the guard's compartment was open. That was quite natural as he had no reason to keep the window closed at that time. He has stated that as stones were hitting the train, he

had closed the window of his compartment. We see no reason to doubt what he had said on this point.

88. In his statement sent to the Senior Divisional Commercial Manager, Ratlam on the same day what he had stated was:

“ईसी दौरान चली और चेन पुलिंग हुई. चैन पुलिंग होने के समय गाड़ी गोधरा अप याड़ मे पहोच गई थी. “चेन पुलिंग के कारण वहां गाड़ी खड़ी हो गयी और पहले से खड़े कुछ बाहरी तत्वोंने गाड़ी पर पथराव करना शुरू कर दिया। बाहरी तत्वोंसे दबने के लिए गाड़ी के यात्रियोंने अपने कोचेज के खिडकी व दरवाजे बन्द कर लिये, तब भिड मे से किसीने आवाज लगायी की इस कोचेज मे आग लगा दो। इस तरह की आवाजे सुनाइ दी। मैने उस आदमी को नहीं देखा और कुछ ही देर मे कोच स. एस – 6 (93498) मे मैने देखा की आग लग गयी हे। तब तक गाड़ साहब मेरे पास आ गये थे।”

89. Guard Satyanarayan Verma (W/2), has deposed that there was again chain pulling. After the train had stopped near A cabin pelting of stones had started. He had informed the Station Master by walkie-talkie about the chain pulling and pelting of stones. He had alighted from the train to see what had happened but the railway policeman had told him to go back to his coach as there was a big mob ahead. Then there was firing by the police. In reply to the questions put to him by Jan Sangharsh Manch, he had stated that the train had again started at about 8.00 a.m. He had submitted a report on being instructed to do so by his DSO. He had remained in the coach till 8.25 a.m.

90. In his statement dated 28-2-2002 made to the Senior Divisional Commercial Manager, Ratlam he had stated:

“गाड़ी मे दुबारा चेन पुल हुआ और गाड़ी खड़ी हुई KM 468 / 45

पर गाड़ी खड़ी होते ही गाड़ी पर पब्लिक द्वारा जो की नीचे सडक  
या लाईन के बहार थे उन्होंने पत्थर फैकना शुरू कर दिया। मैं  
आफ साइड की तरफ से चैन ठीक करने उत्तरा उस समय सब  
पेसेंजर जो की कोच के सब अन्दर थे सब खीड़की दरवाजे बन्द थे,  
पत्थर बरस रहे थे। इतने मे ड्राइवर सहाब ने कहा मेरे इंजन मे  
बैक्युम 00 हो गया है। मे आगे जा रहा था, उस समय ON  
DUTY RPF स्टाप ने मेरे से कहा आगे मत जाओ ब्रेक मे जाये। मे  
ब्रेक मे आया, उस समय ड्राइवर साहब ने वाकी टोकी पर कहा की  
गाड़ी मे आग लगा दी है। फायर ब्रेगेड को कहो। केबिन द्वारा और  
बाकी टोकी द्वारा प्लेटफोर्म पर डिप्टी अस.अस.सहाब को सब सूचना  
दी गई। मेरे ब्रेक के पार 8.20 के लगभग SIGRP द्वारा गोली  
चलाई। गाड़ी मे आग लगने की सूचना मिलते ही मैंने अपने पास  
वाले कोच के पसेंजरो को कहा गाड़ी खाली करे।”

91. Driver Rajendraraao, (W-4) has stated that after getting “all right” message from the guard he had started the train. While the train was near ‘A’ cabin he and the ASM Rajendraprasad Meena who was at ‘A’ cabin had shown green flags to each other. That was the “all right “ signal from the Assistant Station Master. At that time he had noticed that vacuum in the train was going down and, therefore, he had inferred that there was chain pulling. The train had then stopped near pole No. 468/19. He had, blown the usual whistle indicating chain pulling and informed the Guard about the same by walkie-talkie. At that time one big mob had come near ‘A’ Cabin from Masjid side and had started throwing stones on the

train. Stones were thrown on the engine also. Some persons from the mob had come very close to the engine. He and Mukesh Pachori were threatened by those persons that if they got down from the engine, they would be cut into pieces. Therefore, he had closed windows and doors of the engine and locked them from inside. He had informed Dy. Station Supdt. Saiyad about the attack by walkie-talkie. Some persons in the mob had weapons with them. The mobs had almost surrounded the train on one side and was throwing stones on it. The mob had then moved away towards the rear side of the train. He had also informed the Guard about the attack on the train. When he had seen smoke coming out from one of the coaches, he had again informed Dy. Station Supdt. Saiyad about the same by walkie-talkie. Some persons in the mob, while attacking the train, were shouting "Mar dalo, Kat Dalo". In reply to the questions put to him by the parties, he has stated that as his attention was on the front side while proceeding towards A cabin, he had not noticed any mob on the left hand side of the train before the train had stopped. According to this witness, the train had left the station at about 8-00 A.M.. and it had stopped near 'A' cabin after about 3 minutes. When the chain was pulled second time, speed of the train was 13 Kms. per hour. He had seen smoke coming out from a coach at about 8-10 a.m..

92. In his statement dated 28-2-2002 made to the Senior Divisional Commercial Manager, Ratlam he had stated that :

“ट्रेन का गोधरा एराइवल 7.40 व 7.45 पर चले लगभग 50 फीट आगे चलने के बाद एसीपी हुवा। मैने तुरंत चैन पुर्लिंग सीटी बजाई व गाड़ को सुचना दी व सहायक को चैन पुर्लिंग रिसेट हेतु पिछे भेजा व स्टार्ट हुवे, स्टार्ट होने के बाद किमी 468/19 पर पुनः चैन पुर्लिंग हुई व एकाएक पथराव शुरू हो गया ईस की सुचना मैने वाकी टाकी के द्वारा

एसएस गोधरा को दी व पुलीस प्रोटेक्शन की मांग की। कुछ देर बार धुआ दीखाई देने लगा तो मैंने फायर ब्रिगेड कम्चारीयों को बोला।”

93. Assistant driver Mukesh Pachori, has also stated that when the train had stopped near ‘A’ cabin, he had seen mobs coming from behind ‘A’ cabin and throwing stones on the train. As some persons had come very near, he had closed the doors and windows of the engine. Persons in the mob had told them not to get down and also threatened them that if they did so, they would be cut into pieces. After some time, those people had gone towards the rear side of the train. Thereafter, he had opened the windows of the engine. He had seen that the mob was pelting stones on the rear part of the train. So they had informed the Dy. Station Supdt . Saiyad by walkie-talkie about the same.

94. What Mukesh Pachori (W-5 ) had stated in his statement to the Senior Divisional Safety Officer , Vadodara, is :-

“निवेदन है कि मैं सहायक चालक मुकेश पचौरी जो कि 9166 अप मे कायरेट था रतलाम से गाड़ी का प्रस्थान 4.50 बजे चले तथा गोधरा आगमन 7.40 पर आये सिगनल मिलाने पर 7.45 पर गाड़ महोदय से आलरइट लेकर स्टाटें हुए गाड़ी थोड़ा आगे बढ़ी थी कि गाड़ी मे एसीपी हो गया चेन पुलिंग की सीटी बजाकर गाड़ महोदय को सुचना दी तथा चालक महोदय के आदेशानुसार एसीपी रिसेट करने आया जब चार कोच मे एसीपी हुई थी एसीपी रिसेट करने पुनः वेक्युम लेकर स्टाटें हुये गाड़ी ए केबिन के पास पहुंची थी कि पुनः एसीपी हो गया एसीपी रिसेट करने उत्तरने लगा तब चारों तरफ से पत्थर आने लगे जिसकी सुचना एसएस महोदय गोधरा

को वाकी टाकी पर दी कुछ देर पश्चात पीछे कोच से धुआ निकलता  
देखकर एसएस महोदय से पुनः सम्पर्क किया तथा वस्तु शिथ्ति से  
अवगत कराया फोसें तथा दमकल की मांग की।”

95. Yusufali Saiyad ( W-6 ), Deputy Station Superintendent has stated that after ascertaining from ASM Harimohan Meena why there was chain pulling, he wanted to go out of the office and make further inquiry. But before he could do so, he had received a message from ‘A’ cabin that the train had stopped there because there was chain pulling and that there was also pelting of stones on the train . He was also informed by the Assistant Station Master Rajendraprasad Meena from ‘A’ cabin that two policemen who had reached there were not sufficient and more policemen should be sent. He had, therefore, gone to the railway police station and informed the P.S.O. to send more police force near ‘A’ cabin. After about 15 minutes he had received a message from the train driver that the mob was setting on fire one coach of the train and that he should call the fire brigade. Accordingly he had informed the fire brigade. He has further stated that on the same day i.e. on 27-2-2002, the Divisional Railway Manager whose office is at Vadodara had asked for his written report and that he had sent it on the same day.

96. The report sent by him was as under :

“द्वारा : वाई.एम.सैयद

27/02/02

उप.स्टे.अधिक्षक,

गोधरा।

मैं आज दिनाक 27/02/02 को गोधरा प्लेटफोर्म पर 0/8  
की शिफ्ट मे सहा.स्टे.मा. श्री हरिमोहन मीना के साथ इयुटी  
पर उपस्थित था श्री हरिमोहन मीना 0/12 की शिफ्ट मे

## नौकरी पर था

गाड़ी नं.9166 अप साबरमति एक्स.का 07.30 बजे लाईन हुआ और 07.43 बजे गोधरा स्टेशन पर आई, जिसे 07.45 बजे प्रस्थान सिग्नल दिया और गाड़ी 07.48 बजे स्टार्ट हो गई लेकिन थोड़ा चलने के बाद चैन पुलिंग होने के कारण गाड़ी रुक गई जिसकी सुचना मैने RPF, GRP स्टाफ गोधरा को दी इसके बाद गाड़ी दुबारा 07.55 बजे स्टार्ट हुई और फिर से चैन पुलिंग होने के कारण “A” केबिन के पास जाकर रुक गई, यह सुचना “A” केबिन द्वारा दी गई और बताया गया की शहर की पब्लिक गाड़ी पर पथराव कर रही है। जिसकी सुचना RPF, GRP को दी गई जो की घटना स्थल पर पहुंची और मुजे केबिन द्वारा बताया गया की हम भीड़ को नियन्त्रित करने मे असमर्थ है। जिसकी सुचना स्टे.अधिक्षक श्री जे.के.खातिजा ने 08.05 बजे सीटी पुलिस, कलेक्टर और डी.एस.पी. गोधरा को दी।

बाद मे 08.25 बजे गाड़ी 9166 के गाडँ मोहदय ने वाकी टोकी पर खबर दी कि कुछ कोचो मे भीड़ आग लगा रही है तो स्टे.अधिक्षक गोधरा ने तुरन्त फायर ब्रिगेड वालो को टेलीफोन पर खबर दि इसी दौरान “A” केबिन से भी सुचना दी गई कि कुछ कोचो मे पब्लिक द्वारा आग लगा दी गई है तो हमने TPC/BRC को 08.25 बजे सप्लाई कट आँफ करने के लिए बोला और 08.30 बजे सप्लाई काट दि गई थी।”

97. A.S.M. Harimohan Meena ( W-7 ) has stated that he had received messages from 'A' cabin and the Guard regarding pulling of the chain and attack on the train. The third message which he had received from 'A' cabin was that the train was set on fire. The guard had also given a similar message. These messages sent from 'A' cabin were heard by Dy.S.S. Yusufali Saiyad also. They had informed S.S. Jaysinh Katija about the same. He had sent his report to the Divisional Railway Manager, Vadodara on the same night.

98. ASM Rajendraprasad, who was on 'A' cabin, has stated that as he had heard the whistle indicating chain pulling and seen that the train had stopped, he had got down from the cabin. After he had taken some steps he had noticed that a mob was throwing stones on the train. He had also seen another mob near the guard's compartment It was also throwing stones on the train. The mob which was towards the engine side was also throwing stones on the train. Out of fear of getting injured by stones, he had gone back to the cabin. According to him pelting of stones had continued from 8-00 a.m.. till 8.20 a.m. In reply to the questions put to him, he has stated that when he had got down from 'A' cabin, pelting of stones was on the rear part of the train. He had seen a mob running along with the train when the speed of the train had decreased. Some persons from the mobs had come near the train and they were throwing stones on the train. He had himself informed Dy.Station Supdt. Saiyad on telephone about the attack on the train with stones. He had also informed Vadodara Control about it.

99. From amongst the passengers, Maheshbhai Chaudhary (W-34) has stated that he was sleeping on upper berth somewhere in the middle of the coach when the train had stopped near 'A' cabin. He woke up because of the noise created by the stones hitting the train. He had received injuries. He has said that shutters of the windows of his compartment had broken down as a result of the attack by the

mob. According to him, about five minutes after he woke up there was smoke in the coach.

100. Savitaben Sadhu (W-35) was sitting about 4 or 5 compartments away from the door. She has stated that because of the attack by the mob with stones and other articles, windows of their coach had broken down and that she was hit by some stones. She has also stated that a window on the southern side was broken by some persons in the mob. When questioned about the details of the attack she has stated that she had seen persons in the mob throwing stones and burning rags inside the coach through those open windows. The burning rags and some liquid which was also thrown in the coach. She was able to see all that as the shutters of the window near which she was sitting had given way and the window had become open. She had also seen persons throwing some liquid in the coach that had led to smoke and fire in the coach. First there was smoke and after some time flames were seen. Her shawl had got burnt and she had received some burn injuries. It was submitted by the Jan Sangharsh Manch that by saying that burning rags and other things which were thrown inside the coach had caused fire, she was telling a lie as all other evidence shows that first there was smoke and after some time there was fire. A careful reading of her evidence shows that what she wanted to say was that the burning rags which were thrown inside the coach had remained burning after falling in the coach and that had led to the fire and smoke in their coach.

101. Babubhai (W-36) was also travelling in coach S/6. He was sitting four compartments away from the door. He has stated that a southern side window of their compartment had broken down and become open because of the attack. That had happened before there was fire and smoke in the coach. He had climbed on the upper berth to avoid being hit by stones. He has stated that he had not seen anyone setting fire to the coach or entering into the compartment. The evidence of this witness also goes to show that first there was an attack on the coach with

stones, etc., that it had continued for sometime and then there was smoke inside the coach.

102. Dwarkabhai (W-37) has said that stones thrown by the mobs had broken glass of the window near his seat. The metal shutter of that window had not broken down but, through the window of the adjoining compartment a stone had come inside and hit him. Therefore, he had climbed on the upper berth and sat there for some time. While he was still on the upper birth, smoke had started coming from the rear side of the coach. So he had got down from that berth and was able to get out through a window of the third compartment of the coach.

103. Jayantibhai (W-38) was sitting in a compartment which was four or five compartments away from the toilets. He has stated that there was an attack on the train with stones. The shutters of one window of the next compartment had given way and stones were coming inside the coach through that window. He was hit by one stone and it had caused an injury to him for which he was medically treated. Some persons in the mob had sticks and other weapons and they were shouting also. In reply to the questions put by the appearing parties, this witness has stated that stones were pelted on the train after the train had stopped near 'A' cabin, and that he was able to make that out from the sound of stones hitting the coach, though he was not able to see it. He had not seen anyone throwing any liquid in the compartment from outside or inside the coach or any person setting the coach on fire. He had not seen any flame inside the coach till he was able to get out of that coach. For getting out of the coach he had moved towards the engine side of the coach. He has said that some passengers in the coach were saying that the rear part of the coach had started burning and, therefore, the passengers were trying to go towards the engine side doors of the coach.

104. Ramfersing (W-40), as stated earlier, was a Line Inspector in the Telephone Department and was returning from his native place in Uttar Pradesh,. He has stated that the coach was attacked and as a result thereof, large number of windows of their compartment had broken down. In order to save himself from the stones which were coming inside the coach, he had climbed on the upper berth. He has stated that the windows on the southern side were broken by the persons who were in the mob. Both the widows of the compartment where he was sitting had become open and burning rags etc. were coming inside through those windows He had remained on the upper berth for about 10 to 15 minutes. He had seen stones and burning rags falling inside the coach. The burning rags had caused lot of smoke inside the coach. Pouches containing some inflammable material were also thrown inside the coach. He had seen flames of the burning rags. As stated by him all that had caused lot of smoke in the coach. Burning rags had fallen between the seats of their compartment and they had caused smoke. He has categorically replied to the question put to him by stating that the fire in the coach was because of the things thrown inside the coach by the persons in the mob. He had not seen smoke coming from the floor of the compartment. He has further stated that on seeing flames he had climbed down from the upper berth and when the flames had come near him, he had jumped out of the coach. At about that time he had received a burn injury near his ear. His son was also injured by a stone.

105. Satishkumar Mishra (W-41), a native of Uttar Pradesh, was returning to Gujarat with his wife and daughter. Because of the fire that broke out in the coach, he lost his wife. He has stated that they had climbed on the upper berths in order to save themselves from being hit by the stones coming inside the coach through the windows which had become open. He had received burn injuries. His wife was burnt alive. While he was getting out of the coach, he had seen the seats of the coach burning.

106. Ashwinbhai (W-42) was in coach no. S/5. He has stated that he could see from the window the mobs on the southern side. Some persons in those mobs were carrying 'Kerbas', rags, etc. ('Kerba' is a local term used for carboy). They had broken windows of the coach with stones and pipes. He had also seen persons in the mob pouring some liquid on rags and then throwing those burning rags inside the coach. Some persons in the mob were also raising shouts "Maro, Kapo". He had seen flames in S/6 after he had got down from the train on the yard side.

107. Bhupatbhai (W-43) has said that heavy pelting of stones on the train had started after it had stopped near 'A' cabin. He had seen some persons in the mobs carrying 'kerbas' etc. They were shouting "Maro, Jalado, Kapi Nakho". He had seen some persons pouring some liquid from the carboys and throwing burning rags inside the coach.

108. Lalanprasad (W-44) was returning from his native place in Uttar Pradesh with his wife, son and grand son. Because of the fire in the coach, he lost his grand son. He has stated that after the train had started it was heavily attacked with stones and those stones had broken windows of their compartment.. He had, therefore, climbed on the upper berth. He had seen stones, burning rags and other things falling inside the coach. Throwing of stones had continued for about 10 minutes and then there was smoke and flames in the compartment. He had seen some burning things falling inside the coach and had felt that the smell of it was like that of petrol. The smoke was coming from the side of seat no. 72 i.e. from the Guard's side. He had received burn injuries on his hands and legs and some parts of his clothes had got burnt.

109. Gayatridevi (W-45) has stated that the train was heavily stoned when it had stopped after covering distance of about half a kilometer. At that time she

had heard shouts : “ Mari Nakho Kapi Nakho”. Windows of their coach had broken down because of the attack and through those windows stones and bulbs used to come inside the coach. They had therefore, climbed up on the upper berth to escape from being hit by the stones. Her sister Pratiksha was hit by a stone. One acid bulb had hit Malaben and caused burn injuries to her. She had seen burning rags falling in the adjoining compartment of their coach. Those rags had caused smoke and fire in the compartment. One burning rag had fallen on the lower seat near the berth on which they were sitting. It was causing lot of smoke and therefore, they had got down from the upper berth to get out of the coach. She was hit by a stone and had also received burn injuries near her ear. She has said that she had seen some persons in the mob throwing something from the carboys inside the coach through the broken window. She has stated that not only shutters of the windows but iron bars thereof were also broken by persons in those mobs. She has specifically stated that the burning rag which had fallen on the rexine seat below her berth had made that rexine seat burn.

110. Govindsinh (W-46), an Army Subedar, was sitting on the berth over seat No.3. He has stated that after the train had stopped again, there was pelting of stones which had continued for about half an hour. Stones hitting the windows had broken shutters thereof and some stones had started coming inside the coach. In order to protect themselves ladies and children had taken shelter below the seats. Some passengers were hit and injured by those stones. After some time he got a scent of something burning .It was coming from the side of seat no. 72. Thereafter he had seen smoke coming towards him. Then some flames were also seen coming towards their side. He had, therefore, opened the door near his seat and jumped out of the coach. He had got out of the coach from the right hand side and was caught by some persons forming a small mob. He was also given a blow on his head. Only after he was able to convince them that he was a man from the army that he was allowed to go.

111. Shilaben Virpal (W-47) has stated that when the train had stopped after running for about 4 minutes, there was heavy pelting of stones and that had broken the window near her seat. It had become open. So to save herself from being hit by stones, she had put her bag against that window and stood behind the bag to support it. While doing so she was hit by a stone and had started bleeding. Soon thereafter something thrown from outside had fallen inside the coach. From the sound which it had made, she had felt that it was like a glass bottle filled with something falling on the floor. Thereafter there was heavy scent of something followed by smoke inside the coach. After about a minute, there was fire in the coach. Her 'sari' had caught fire and she had also received burn injuries. She was saved by her husband by pushing her out of the coach. According to her, throwing of stones had continued for about 10 to 20 minutes. She had not seen any burning thing coming inside the coach but had seen something falling inside the coach. Her daughter-in-law Seema Pal was not able to get out of the coach and was burnt alive.

112. Mukeshbhai Makwana (W-48) who was in coach S/7 has stated that when the train had stopped near 'A' cabin, pelting of stones had started. He had peeped out of the window, and seen a big mob. Some persons in that mob had 'kerbas' with them. He had seen one man whose photograph was published in 'Sandesh' newspaper on the next day, throwing something on the train from 'a kerba' which was with him. He had also seen other persons from the mob pouring something on coach S/6. One of the stones had hit him on his head. The glass and metal shutters of window of their compartment had given way and through one broken window near his seat he was able to see outside. He had seen persons carrying 'kerbas' and rags. Those who were in the mobs were raising shouts. Many stones had fallen inside their coach also. After sometime he had seen smoke in the coach.

113. Punamkumari (W-49) who was sitting on berth no. 24 has stated that the train had stopped after running for about 1/2 Km. It was attacked with stones and the attack had continued for about 10 minutes. The glass and metal shutters of the windows had given way and stones were coming inside the coach. One stone had hit her on her leg. Her father-in-law was also hit by one stone. Her father-in-law had then kept their suitcase across the window so as to prevent stones from coming inside. Someone from outside had tried to pull that suit case and so her father-in-law had put it back. Someone had then thrown one burning rag inside their compartment through that window. Her father-in-law had tried to extinguish it by putting his shoes over it. Thereafter there was smoke in the compartment. She had seen persons in the mob throwing stones on the train. She was hit by one stone which had come inside the coach through the adjoining compartment. Other passengers had also put their bags over the windows so as to prevent stones from coming inside the coach. She has stated that burning rags were thrown inside the coach through the window near her seat. At that time she was sitting on the upper berth. She had not seen any flame but had seen only smoke, while she was inside the coach. She had seen flames after she had come out of the coach. They were on the guard's side end of the coach. She has stated that the person who had thrown a burning rag inside their compartment was a Muslim boy with a beard.

114. Hariprasad Joshi (W-1009) an Inspector of the Income Tax department was occupying seat No.43. He has stated that the train had stopped after travelling some distance. Pelting of stones was going on. One window of the adjoining compartment had remained open and through it stones were coming inside the coach. Therefore, the passengers sitting there had left their seats and were standing in the passage. Many passengers had climbed on upper berths but they had come down when somebody had said that there was fire in the coach. To avoid inhaling smoke he had crawled on the floor of the coach to reach near the door. By that time, some portion of the back side of his jacket was burnt and he

had also received burn injury on his right ear and on his face. He was able to get out of the coach but his wife could not do so. By the time he was telling her to get out of the coach in the same manner in which he had got out, there was a big fire in the coach and his wife was burnt alive inside the coach. He has stated that he had seen smoke about 10 minutes after the train had stopped. Stones were falling all over in the coach. He and his wife had stood near seat no. 72 as somebody had stated that passengers should go towards that side. He had seen smoke coming from the side of seat no. 1. According to him, seat no. 1 was towards guard's side and seat no. 72 was towards engine side. He has stated that he had received burn injuries while he was inside the coach, but had not seen flames inside the coach till he had gone out of it. He was taken to Delhi by the railway people for giving his statement before the Banerjee Committee. He did not know how his jacket got burnt. He has stated that the fire was behind him and his jacket was also burnt from behind. His statement given to the police was read over to him and he confirmed that it was correctly recorded. Therein he has stated that in between Lucknow and Godhra no karsevak had prepared tea or food. He had not seen any cooking article with them.

115. Lallakumar ( W-1011 ) has stated that after the train had gone to a distance of about 1 Km., pelting of stones had started. As stones were coming inside the coach, he had gone near the latrines and stood there. After about half an hour, there was smoke in the compartment. He had gone near seat no. 1 and stood there.

116. Radheshyam Mishra (W-1013) a retired military hawaldar has stated that the train had stopped after covering distance of about  $\frac{1}{2}$  Km. At that time there was heavy pelting of stones from the platform side. As a result thereof shutters of the windows had broken down. As the passengers inside the coach had become frightened, they had climbed on upper berths. To avoid being hit by stones he along with his wife and grand son had sat below their seat and covered

themselves with beddings. Before that he had seen persons in the mob throwing stones on the train. They were shouting "Mar Dalo, Kat Dalo". He was hit by a stone on his eye and thereafter had taken shelter below one seat. Some other passengers had put their bags against the open windows to prevent stones from coming inside. He had seen persons in the mob throwing glass bottles inside the coach. Because of those things passengers inside the coach were getting injured. He has further said that the bottles contained some liquid and that liquid had started burning after falling in the coach. Some persons in the mob had also thrown burning rags inside the coach. Then there was fire and smoke in the coach and the passengers were shouting "there is fire, there is fire". From the scent of the smoke, it was felt by him that petrol was burning. He had seen smoke and flames coming from the side of seat no. 72. He had received injuries on his nose and leg. He has produced medical certificate( Exh. 5750 ) issued to him by Ahmedabad Civil Hospital for the treatment taken by him. He has also produced tickets ( Exh. 5752 ) on which he had travelled.. He has stated that glass bottles and burning rags which had fallen inside the coach had caused smoke in the coach. Thereafter he had heard a big noise of something falling and exploding at the end of their coach. He has stated that shutters of the windows were of glass and aluminum but they were able to see outside as shutters of some windows had broken down and they had become open. Those who were pelting stones were bearded Muslims. They were wearing caps. Both the windows near his seat had become open and, therefore, he was able to see outside. By the time he had jumped out of the coach, flames in the coach had not reached near his seat. He has denied that someone had started a kerosene stove for preparing food inside the coach. His further answer was that the coach was so much over crowded that it was impossible to do so.

117. Ramnaresh Gupta (W-1015) has stated that stones hitting the windows had broken their shutters and that he had seen Muslim mobs outside through those

open windows. They were also carrying weapons like swords and iron bars and were shouting "Maro, Kapo, Badhane Jalavi Do (Burn them all)." The mob was pelting stones on their coach. After some time he had seen smoke coming from the toilet side of their coach. The mob was also throwing burning things inside the coach. When pelting of stones had started the door of the coach S/6 leading to coach S/7 was closed. It was locked from inside with a small stopper. He had himself closed that door. From the noise he could make out that persons from outside were hitting on that door. He had then seen smoke coming out from the toilet on the platform side i.e. on the left hand side of the train. He had not seen flames till he had gone out of the compartment. He has stated that smoke inside the coach had caused burning sensation in their eyes and difficulty in breathing.

118. Virpal Pal (W-1016) has also stated that stones hitting shutters of windows of their coach had broken those shutters and thereafter stones had started coming inside the coach. One stone had hit his wife and another stone had hit his daughter-in-law. Glass bottles were also thrown inside the coach. Within a short time, there was smoke in the coach. He has stated that burning of petrol had caused smoke inside their coach.

119. RPF Constable Shrimohan Jadav (W-23) had also seen what was going on near A Cabin after the train had stopped there. He had seen a big mob near the train. Persons therein had sticks, iron pipes, etc. with them. When he had reached near the culvert, he had seen smoke coming out from one of the coaches of the train. He has stated that on being instructed by the police officers following him, he and two other constables with him had fired 4 rounds to disperse the mob. It had taken about 4 to 5 minutes to reach near the train. This witness has specifically stated while replying to the questions put to him that initially when he had looked towards A cabin after the train had stopped, he had not seen any smoke coming out from any coach, but the smoke was noticed by him only when he had reached near the culvert after informing his office on telephone. The

evidence of this witness proves that smoke had started coming out of a coach about 10 minutes after the train had stopped near 'A' cabin; and during this period, a mob armed with sticks, pipes, etc. was near the train and its behaviour was such that it had become necessary for him and his companion to resort to firing. His companion witness Karansinh had also remained present before the Commission, but, as his evidence was likely to be a repetition of what Shri Mohan has said, it was suggested by the learned advocates appearing for the parties that his evidence need not be recorded. His police statement is on record.

120. Alongwith RPF Police Constable Shrimohan, PCs Jagdishsinh and Karansinh Lalsinh were on duty when Sabarmati Express train had arrived at Godhra. In their police statements given on 1.3.2002, they have stated that after Sabarmati Express train had left the platform they had gone to the lobby on platform No.2 and informed their post about what had happened till then. Thereafter they had come back on the platform. At that time they had seen many persons near Signal Falia going towards A'' cabin. When they had looked towards Ácabin, they had seen the train standing near that place and about 900 to 1000 Muslims attacking the train with stones, iron bars, pipes, etc. They had therefore, again informed their post about the same.

121. RPF Constable Ambishkumar Shrisiyaram was in the RPF post and had received the call made by Karansinh. He has stated that as PC Karansinh had requested for more police force, ASI Abdulhai who was in-charge of the post, had directed him and another constable to go near 'A' cabin. When they were going there, he had noticed that there was a mob of about 1000 Muslims armed with sticks, iron bars, pipes, etc. and it was throwing stones on the train. Some persons in the mobs were shouting, "Hinduoko maar dalo aur jala do". He had stated so in his police statement.

122. RPF Police Constable Shrimohan (W-23) has further stated that while he was proceeding towards 'A' cabin with PCs Karansinh and Ambishkumar he had seen a mob near 'A' cabin and persons therein were carrying stones, sticks, pipes, iron bars etc. PSI Zala who was seen following them had by gestures of his hand told them to fire in the air. He and Karansinh had then fired one round each. Two rounds were fired by Ambishkumar. Thereupon, persons in the mob had started running away towards Singal Falia. PCs Karansinh and Ambishkumar in their statements to the police have also stated like that.

123. ASI Galabhai who was in-charge of the Godhra Railway Police Station has stated that sometime after Sabarmati Express train had left the platform, Assistant Station Master Meena had come to the Police Station and told him that Sabarmati Express train was under attack with stones and that he should inform his higher officers about the same. He had immediately informed ASI Shri Jhala on telephone. Meanwhile, he had directed six or seven policemen who were present in the Police Station to go near 'A' cabin. He had also informed the District Police Control, Godhra about what was reported to him. Though A.S.I.Galabhai himself has not stated that he had informed Vadodara railway police control about the attack on the Sabarmati Express train near 'A' cabin, it appears from the evidence of Dy.S.P. Simpy that such a message was conveyed by A.S.I.Galabhai some time before 8-15 a.m.. Dy.S.P. Simpy was the in- charge Supdt. of Police in the office of the western railway at Vadodara. He has stated that he had received a message from western railway police control at 8-15 a.m. regarding the attack on Sabarmati Express train. Because of this message he had left for Godhra soon thereafter.

124. Police Constable Mansing Vasava (W-26) was on duty at the Godhra railway station till 8.00 a.m. on 27.2.2002, as writer constable. He has stated that he was told by the PSO of railway police station about pelting of stones on the train near 'A'' cabin and to go there with Police Constable Dalabhai. They had

seen two RPF Constables going ahead of them towards 'A' cabin. While they were going there, pelting of stones by the mobs was going on. The mobs were about 50 feet away from the train. He has also stated that windows and doors of the coaches on the left hand side of the train were closed. He and Dalabhai had used their lathis to keep the mob away while going near coach S/6. Soon thereafter, ASI Zala and other policemen had come there and they had resorted to firing. This witness has also deposed about the second attack on the train. He had fired about 8 rounds from his firearm on being so ordered by S.P. Shri Simpi.

125. PSI Mohbatsinh Jhala ( W-17 ) was the Inspector in charge of the railway police station at Godhra. As V.H.P. and Bajrangdal Karsevaks were to go to Ayodhya by Sabarmati Express train, he had gone by that trian from Godhra to Dahod on 27-2-2002 at 0-36 hrs. for maintaining bandobast.. He had returned from Dahod at about 4-30 a.m. and gone to his house. At about 8-00 a.m. he had received a message from his PSO that there was chain pulling in Sabarmati Express train and it was under attack with stones. He had immediately rushed to the railway police station. He had reached there at about 8.10 a.m. When he had looked towards 'A' cabin, he had seen smoke coming out from one of the coaches of the train. So he had told the PSO to inform Fire Brigade for help. He had then proceeded towards the train with some policemen. He had gone from the off side of the train i.e. from the right hand side of the train. After going upto coach S/6 in this manner, he had gone to the left side of the train from where stones were thrown. He had noticed that all the doors and widows of the coach on the left hand side were closed. He had seen mobs all along the place by the side of the train. Persons in those mobs were throwing stones on the train. Some of them were loudly saying ' Maro Kapo'. He had therefore, ordered the mobs to disperse. As the mobs had not complied with his order, he had ordered lathi charge. After some more policemen had come, tear gas was also used to disperse the mobs. Those actions did not have the desired effect and so he had ordered his men to fire shots

from their fire arms. All that had happened within a period of about 10 minutes . He had then gone near the engine driver and taken his complaint. He had also apprehended one person. He had noticed that windows and doors of Coach S/6 were broken. The rubber corridor between coaches S-6 and S-7 was in burnt condition. Therefore he had got panchnama of the same prepared. In reply to a question put to him by Jan Sangharsh Manch, he has specifically stated that it is not true to say that there was no mob of miscreants near the train at that time and that the persons who had collected there were those persons who had come from the platform to see what was going on. He has further stated that he had seen the dents on the coaches caused as a result of stones hitting those coaches. He had also noticed at that time that the windows and the bars of the windows were broken.

126. ASIChhatrasinh, and police constables Dalabhai, Indrasinh, Kanubhai, Ramabhai and Mahendrasinh, who had all gone near the train with Mohbatsinh have in their police statements given almost the same version as regards throwing of stones on the train by the mobs and actions taken by the police to disperse those mobs. From amongst the railway policemen who had gone towards the train earlier, some had given their statements before the police on the very same day and others had given their statements within a few days thereafter. RPF Police Constable Karansinh has stated in his statement that he was on the platform when the train had stopped near 'A' cabin as a result of chain pulling. Having seen that he had informed his RPF post about the same He had then alongwith RPF constables Bhavarlal, Jaybhagwan and Amrishkumar proceeded towards 'A' cabin. In his police statement recorded on 1-3-2002 he had stated about the attack on the train and actions taken by the police. Other Police constables who were with him had also given the same version in their statements given to the police during investigation. Police Constables Pujabhai, Mansing, Prabhatsinh, Kiritsinh, Laxmansinh and Hemendra who were told by the P.S.O. to go near the

train have also in their police statements spoken about the presence of mobs on the left hand side of the train, pelting of stones by them and the steps taken by the police to disperse those mobs and control the situation.

127. ASI Rupsing Navi ( W-28 ) of the District Police Control, Godhra, has stated that after receiving the message about the attack on Sabarmati Express train from PSO of the railway police station he had informed Eagle, Backer and Alpha mobile vans at 8-06.a.m. to proceed to the place of the incident. Again at 8-20 a.m., he had received another message that there was fire in the train and, therefore, he should send Fire Brigade. Entries made by him in the register maintained by the District Police Control for recording such messages have been produced to support his evidence.

128. Three police mobile vans Eagle, Backer and Alpha had immediately left for the place of the incident. . PSI Rayjibhai Parmar ( W-29 ) was in charge of Eagle mobile. His evidence is that when he had reached near the culvert at about 8-13 a.m. he had noticed a big Muslim mob near that place There were mobs near the masjid and at other places also. Some persons in the mobs had sticks and other weapons with them .Persons in the mobs were throwing stones on the train. He had seen Muslim leaders Bilal Haji Sujela, Faruk Bhano, Ishak Mohmad Mamru, Razakhbai Kurkur, Irphan alias Pado, Asik alias Billo Sidiq Kadar, Idrish Ravan, Irphan Bhabho alias Kalandar, Bilal Badam, Hanif alias Hanif Badam, Kasam Biryani, and Kalota in the mob which was near the culvert. They were by their gestures inciting the mob to throw stones. He had told them by gestures of his hand to go away from there. At about that time he had come to know that there was fire in the train .Therefore he had immediately gone near the railway track. Considering seriousness of the situation he had directed his gasman to fire tear gas shells. Some shells were fired towards Aman Guest house and some towards 'A' cabin. As throwing of stones had continued on the front part of the train, he

had directed his gasman to lob shells towards the Masjid side also .While all that was going on he had heard provocative calls made through loud speaker from the Masjid. They were : “ Beat the Hindus. Hindus should be cut and burnt. Islam is in danger.” He has denied that he had really reached the station at about 8.30 a.m. and had not seen the mobs or the attack on the train. After more policemen had come there he had gone back to his mobile van. Other mobiles had also come there. He had with him a driver, wireless operator and some policemen. Those persons in their statements to the police given on 7-3-2002, have said almost the same thing. It was suggested to this witness that he had really reached the station at about 8.30 a.m. This was an attempt to prove that he had not seen the mobs or the attack on the train. That suggestion was denied by the witness as incorrect. As the message which was given by the District Police Control was at 8.06 a.m., it is unlikely that he would not have gone to the station till about 8.30 a.m. He had reached that place before DSP Raju Bhargav had reached there and the evidence proves that DSP Raju Bhargav had reached by about 8.25 a.m. Therefore, what this witness has stated regarding having seen the mobs and the attack on the train appears to be true. He had taken action to disperse the rioting mobs by getting tear gas shells lobbed by his men. He would not have stated so unless the tear gas shells were used for dispersing the mobs as an account has to be maintained in that behalf and he could have been confronted with the record maintained in that behalf if that was not correct. It is unlikely that he would have taken such a risk particularly when he had no reason to do so.

129. Chaturbhai who was in charge of Backer mobile, had in his statement recorded by the police on 7-3-2002, stated that he had received a ‘vardy’ (message) at about 8-10 a.m.that he sould go to the station near Signal Falia as throwing of stones was going on there. When he had reached near the culvert he had seen a mob there.. He had also seen a mob near ‘A’ cabin. It was throwing

stones on the train and policemen were trying to disperse that mob. He had directed his gasman to fire gas shells for dispersing the crowd. He had seen Kalota, the then president of Godhra Municipality, Haji Bilal a municipal councilor Razak Kurkur and some other leaders of the Muslim community in that mob. After other policemen had come there he had left with his mobile van and gone to other places for maintaining bandobast. Police Constables Mansing, and Kantibhai who were with him, in their statements given to the police on 8.3.2002, have given a similar version.

130. Babubhai who was in charge of Alpha mobile and had rushed to the station, in his police statement dated 8-3-2002, had stated that he had seen a mob near Signal Falia throwing stones on the train. One coach of the train was already set on fire. He had, therefore, sent a message to send Fire Brigade immediately. He had ordered firing of tear gas shells for dispersing the mob. He had seen Godhra Municipal President Shri Kalota and municipal councilor Haji Bilal in that mob.. They were inciting the Muslims. He had then gone near the train and rendered help to the passengers.. His wireless operator Jashwantsinh in his statement dated 8-3-2002 and Armed police constables Vinubhai and Dalpatsinh in their statements to the police made on 9-3-2002, have stated the same thing.

131. Sureshgiri Mohangiri Gosai ( W-30 ) was working as a fireman in the Fire Brigade maintained by the Godhra municipality. He has stated that they had received a vardhy at 8-20 a.m. that there was fire in Sabarmati Express train near Signal Falia and, therefore, a fire fighter be sent there immediately. So he had gone there with a fire fighter, It was obstructed by a mob of about 1500 to 2000 persons near old Octroi naka near Signal Falia. It was a mob of Muslims. At that time Bilal Haji had come there on a motor cycle and had by gestures of his hand incited the mob to stop the fire fighter there. Thereupon some persons in the mob

had thrown stones on the fire fighter. The driver of the fire fighter had then driven the vehicle in such a way that the mob had to move away. They had then taken their vehicle below the culvert and then near the train. He has further stated that while they were trying to extinguish the fire, stones were pelted on the train. The fire was extinguished by about 11-00 a.m.. In reply to a question put to him by one of the parties, he has stated that 1500 to 2000 persons whom he had seen were in small mobs. He had reached near the train at about 8-30 a.m. As a result of stones thrown by the mob one or two persons on the fire fighter had received injuries. Some persons in the mob had sticks, pipes etc. with them. An attempt was made to show that since he was on the back side of the fire fighter, he could not have seen what was in front of the fire fighter. However, the witness has in terms stated that he had himself seen the mob which was near Signal Falia. He himself had seen stones falling on the train and it was for that reason the he had stated that there was pelting of stones on the train. This witness is also an independent witness who had nothing to do with the Ramsevaks or the railway staff or even the police. His evidence thus establishes that there was a mob near Signal Falia and that mob had tried to prevent the fire fighter from proceeding further towards the train by obstructing it. His evidence also established that the said mob was instigated by leaders like Haji Bilal, Abdul Rehman and others.

132 DSP Raju Bhargav, ( W-31 ) has stated that on 27-2-2002 he and his staff were making preparations for annual inspection by Spl. I.G.P. Vadodara Range, at their police headquarter. At about 08.05 hrs. he was informed by the Control Room that Sabarmati Express train carrying Karsevaks was stopped at Godhra station and it was not being allowed to start. He had, therefore, rushed to the railway station after directing his RSI to come to the place of the incident with all policemen present at the parade ground. While he was proceeding to the railway station, he had heard on wireless that a coach of the train was set on fire. He had reached the railway station at about 08.15 hrs. On inquiring about the incident, he

was informed that "a train coach had been set on fire near cabin 'A'. He had then proceeded towards 'A' cabin via Signal Falia. He had inquired from one of the four police guards of GRP as to what had happened and he was informed that "the train was stopped and there was heavy stone pelting on the train and then they had fired some rounds." He had found that the passengers were in an agitated mood because the train was attacked. While he was trying to pacify them some policemen had come there from the headquarter. He had placed them all along the track for protecting the passengers from any further attack. He had then informed Spl. I.G.P. Vadodara Range, Vadodara at 08.26 Hrs. about the situation. He had also informed the District Collector about it and requested her to make arrangement for S.T.Buses and vehicles for shifting the passengers.

133 Replying to the questions put to him by the parties, he has stated that when he had gone near the passengers and asked four GRP guards and some RPF men who were standing there as to what had happened, he was told by one of them that the train was stopped and there was heavy stone pelting on the train and that they had fired some rounds to disperse those mobs. He was also told that stones were pelted from the side of Signal Falia. By the time he had reached near the burning coach (S/6), it was about 8-25 a.m. He had immediately thereafter informed the Collector for making necessary arrangements for safety of the passengers. The passengers were in an agitated mood because the train was attacked and many men were injured and killed by the mob which had come there. While he was there he had not seen any mob throwing stones on the train but had seen some onlookers. In reply to a question put by Jan Sangharsh Manch, he has stated that injuries which he had noticed on the passengers were on the upper part of their bodies and that he had not noticed any injury below their waist. He was also asked questions about the parts of the coach where he had seen flames. He has further stated that he had come to know that the fire had started from below a berth of that coach, but the passengers had not made it clear which berth it was. He has also

stated that he had come to know that the passengers inside the coach ( S/6 ) had moved from Godhra side to Vadodara side to escape the fire. On being questioned as to whether he could smell any inflammable fuel, he has stated that he had no time or opportunity to form any opinion as to how the coach had caught fire. The persons whom he had seen standing little away from the railway track were onlookers and they were not aggressive. Replying to the suggestions, he has stated that from the information that he had gathered from the passengers, he had come to know that there was some scuffle when the train was at the station. Then there was chain pulling immediately after the train had started. Again there was chain pulling when the train had moved away from the platform and thereafter there was heavy pelting of stones on the train. As regards the cause for the scuffle on the platform, he was given two versions. One version was that there was a dispute regarding payment to one tea vendor and the other version was that an attempt was made by one karsevak to pull a Muslim girl and take her inside the train. He has stated that he had seen Mohammad Hussain Kalota, President of the Godhra Municipality and Haji Bilal, a Municipal Councilor standing near the fire fighter but he had not seen any crowd near them. He had not met any PSI in charge of a mobile van. In view of the situation which had developed there, each officer was performing his duty according to what he had thought fit. In the Signal Falia it is not unusual for 400 to 500 persons to collect at any time and at the time of namaz even more persons usually collect in that area. The Police Parade Ground is about 2 Kms. away from Godhra railway station and in a small vehicle it would take 7 to 8 minutes to reach the station from the Parade ground. It was suggested that he had not reached the Station before 8.30 a.m. The witness has denied that suggestion and he appears to be right as he had already informed the Collector from the Station at about 8.26 a.m. that there was fire in the train and considering the then prevailing situation immediate arrangements were required to be made to shift the passengers. On consideration of the evidence, it appears that he had reached the station at about 8.20 a.m. and near the train at about 8.25 a.m.

Obviously, after reaching there he must have made an inquiry as to what had happened. Therefore, his version that he had inquired from police guards and the passengers what had happened and that he was informed by them that there was chain pulling and after the train had stopped there was heavy pelting of stones and the police was required to resort to firing to disperse the attacking mob. He was an officer of a high rank and from the evidence that he has given, it clearly appears that he has given a truthful version of what he had come to know and what he had seen. By the time he had reached near the train firing had already taken place and therefore, most of the persons in the mob were likely to have gone away from that place. He therefore, appears to be right when he states that he had not noticed a hostile mob near the train and the persons who were seen there were merely onlookers.

134. District Collector Jayanti Ravi (W-50) has stated in her evidence that at about 8-26 a.m. she had received a telephone message from DSP Raju Bhargav that Sabarmati Express train was under attack with stones near Signal Falia by a Muslim mob and that there is also fire in the train. She was also told that it was necessary to make arrangements for shifting the passengers as there was a possibility of an undesirable event taking place. After giving necessary instructions to the concerned authorities, she had left for the place of the incident and reached there at about 8-50 a.m.. She had found that the passengers were highly agitated. They had told her that stones were thrown at them, the train was set on fire and some of their girls were taken away by the Muslim mob which was near Signal Falia. The passengers had felt that the police was not taking necessary and effective steps. Some time between 11-00 and 11-30 a.m., the two burnt coaches were taken to other part of the yard and separated from the train. As the situation had become quiet by that time, she had gone there to find out position of the said two coaches. She had seen that there were many burnt dead bodies lying in the middle of the coach. Some dead bodies were on the berths also. She had

also noticed that the fire had made a hole in the floor of the coach. In reply to a question put to her by Jan Sangharsh Manch, she has stated that she had not made any inquiry regarding kidnapping of Hindu girls as the passengers were not able to give either the number of the girls alleged to have been taken away or their names. While going to the place where the train was standing, she had not seen what was happening on the roads as she was busy talking on her phone. In her presence she had not seen any attack on the passengers. While she had reached 'A' cabin she had not seen any Muslim mob there. She has stated that the area between the gate of the station and the culvert is known as Signal Falia. There was absolutely no reason for her to say something which was not correct. She was also a person holding a very high position and there is no infirmity in her evidence which could create any doubt regarding what she has stated.

135. Satyendra Narayan Pandey (W-18) who was then working as RPF Commandant at Vadodara had received that message regarding stone pelting on Sabarmati Express train at about 8-10 Hrs. from Godhra RPF Post. The message was that the train was being attacked with stones by mobs from Signal Falia side and persons attacking the train were not allowing the train to go further. As stated by him he was informed that an altercation between some passengers of the train and local residents of Signal Falia had taken place. While he was making arrangements for sending some persons to Godhra from the Reserve Company he had received another message at about 8-30 a.m .that smoke was seen coming out from one of the coaches of the train and that a huge mob was near 'A' cabin. Therefore, he left Baroda at 9-35 a.m. He could reach Godhra at 11-25 a.m.. as they were detained at Kharsalia station for about 45 minutes. At Godhra he had inquired from his RPF men how and why the incident had happened. He had conveyed what he had come to know thereby to Vadodara Control through 'A' cabin. He has produced a copy of the entry (Exh.62) made in the register at Vadodara Control in that behalf. He confirmed that Exh.62 is a verbatim

reproduction of what he had told to Vadodara Control. The said message Exh. 62 was :

“immediately after the departure of the train at about 8-00 Hrs. a mob of local Muslims of about 1000 attacked the train from both sides and burnt coach no. 93498 (S/6) by sprinkling petrol/ diesel. RPF constables on duty along with SI/GRP and Inspector/ RPF fired 4 rounds from their 303 rifles to disburse the crowd. Immediately fire brigades were called and city police was informed.”

136. He has further stated that he had made a report to the Director General of RPF on 3-3-2002. A copy of that report is produced by him (Exh.63). In that report he has stated that :

“The train No. 9166 Up Sabarmati Exp. (Ex. Faizabad-Ahmedabad) arrived at Godhara station at 7-42 hrs (late by 3 hours 42 minutes) and started at 07.47 hrs. (Within 5 minutes scheduled halt). Large number of activists of Bajrang Dal and Vishwa Hindu Parishad were travelling in that train. They were shouting slogans like “Jai Shri Ram”, “Bharat Mata Ki Jai” etc.. It is learnt that some altercation had taken place between a few activists of Bajrang Dal/VHP (who were travelling in the train) and a few hawkers (who were selling eatables in the train) on the issue of payment etc. Similar altercation is also reported to have taken place at Godhara. The vendors were reported to be from local Muslim community. After start of the train, there was an incident of alarm chain pulling. The Assistant Driver of the train attended the coaches and the train started from Godhara platform at 07.50 hrs.. Stones pelting

reportedly took place on the coaches from outside during the period. Immediately thereafter, there was a second incident of vacuum drop in front of the Godhara "A" Cabin at 07.55 hrs. The Driver looked back and saw a mob of around 800-1000 which was stoning the train from both the sides. He immediately reported the matter to SM on duty on walkie-talkie and asked for police assistance. The mob has also burnt coach No.93498 (S/6) by sprinkling diesel/petrol. 3 RPF Constables namely Constable Karan Singh, Shree Mohan Yadav and Ambarish Kumar were on duty in that area. Immediately they rushed to the spot. On receipt of information Inspector/RPF – Godhara & SI/GRP also rushed to the spot. The above named RPF Constables fired 4 rounds from their 303 Rifle to disperse the crowd. Firing led to the dispersal of crowd. RPF and GRP staff present here started rescuing passengers from burning coach with the help of other passengers. ASI Nawab Singh, who was earlier in Fire branch, played a lead role and he rescued 7 passengers. Information was received in DSCR from Godhara RPF Post at 08.00 hrs. and the Security control conveyed it to DSC at 08.05 hrs, GRP Control (at 08.07 hrs.) & ZSCR (at 08.22 hrs.)."

This witness has further stated in his evidence that :

"I had come to know that previous to this attack, the train was attacked in the morning by mobs at the Station and near A cabin. Those attacks were made between 7-45 to 8-30 a.m. Immediately after the two RPF men had heard the commotion on the Platform they had gone near that place. They made passengers get into the train. They drove away the other persons towards the Signal Falia by waiving dandas towards them. The train had thereafter moved

up to a distance of about 150 meters. At that time there was chain pulling and the train had stopped. Stones were pelted on the train. So the RPF men again ran towards that place and drove away the persons peltintg stones. Those two constables were Karansinh and Shri Mohan Yadav. After the train started they went to the lobby office and from there they informed the RPF post at the Godhra Station. When they came out from that office they saw that the train had again stopped near A cabin. They had also seen a mob going towards A cabin. The mob which was near the Platform was also seen running towards A cabin. The two RPF Jawans therefore, again went back to the lobby office and informed the post about it. They had informed the Post that they were going towards A cabin and that more force could be sent. By the time they had reached the place near under bridge they saw smoke coming out from the train. They also saw Sub Inspector Zala of GRP and Inspector George of RPF coming from the Station side. As the crowd was very much violent Inspector George and Sub Inspector Zala had by gestures of their hands suggested to RPF jawans to fire in air. Both of them then had fired one round each. Constable Amrishkumar who was with Mr. George had also fired two rounds from his rifle in the air. Thereafter the crowd had started running back towards Signal Falia. Thereafter the RPF persons had gone near the burning coach to rescue the passengers. ASI Navabsingh of RPF who had earlier worked in fire branch had led the team and rescued many passengers from that burning compartment.”

137. As regards the message Exh. 62 sent by him, he has stated that it was based on what he had seen and heard at Godhra from various persons including his RPF men who were present there. As regards the report Exh.63 he has stated

that it must have been first recorded in special occurrence register at Godhra Post and in his office at Vadodara. According to the usual procedure, the special occurrence report originates from the Post within whose jurisdiction the incident has taken place. It then goes to DSC office and then to the Director General, RPF.

138. The State Government has also placed before the Commission evidence consisting of photographs taken and reports made by the officers of the Forensic Science Laboratory of Gujarat State to support its version that the conspirators had forcibly opened the door connecting coach S/6 with coach S/7 and set coach S/6 on fire with petrol. The Commission has therefore, examined those officers of the Forensic Science Laboratory who had taken those photographs and given reports. Dr. Mohindersinh Dahiya (W-32) was Assistant Director of the Laboratory. He has stated that on 29.2.2002 his office had received a message from the police that they wanted an expert opinion in respect of certain aspects concerning the incident of burning of coach S/6. at Godhra. He along with some persons of his office had gone to Godhra and examined the burnt coach. Thereafter, they had prepared four reports (Exhs.91 to 94 ) on the basis of their examination. Some samples were also sent to their laboratory and it had prepared a report (Exh. 90 ) in respect thereof. Two more reports were prepared by the Chemistry Division of their laboratory of which Shri D.V. Talati, was the head. He has stated that the opinion expressed in report no. 1 that a person standing outside coach S/6 could not have applied force to the bars of the windows was in the context of the querry viz. whether a man standing on the ground could have applied force to the bars of the windows. He has stated that if a man had tried to raise himself or if he was lifted by somebody then he could have applied force on the bars. His examination of the coach had indicated that inflammable material must have been thrown while standing in the passage between seat no.72 and the eastern door of the coach. In reply to the questions put to him he has stated that frames of the berths were of iron and the berths were of wood covered with rexine. He had dealt with many cases of fire

earlier but this was the first case of examining a railway coach. About 60 liters of inflammable liquid must have been used in burning that coach. The floor of the coach at some places was totally burnt. After explaining the difference between a fire in open space and fire in a confined place, he has stated that the phenomenon of flash over can happen in a place which is small and completely closed. The size of S/6 was quite big .The total area of it was 5000 sq.ft. Therefore, there was no possibility of flash over in that coach unless the fire was big. The fire had not started from below the coach. The total quantity of liquid which was required for burning the coach could not have been thrown from outside, nor the fire which took place in S/6 could have been caused only by the burning rags thrown in it. As there was more damage in the eastern part of the coach, he had come to the conclusion that the fire had originated in the eastern part of that coach. He had not taken measurements of the burnt part of the floor of that coach but had taken its photographs. The floor upto two compartments of that coach was burnt. Considering the allegatoring pattern on the floor he was of the opinion that the fire had originated from the eastern part of the floor. The inflammable liquid poured in the coach had spread over about 70-80 % of the floor of that coach. The vestibule of coach S/7 was burnt and some damage was noticed on the outer side of the coach but no damage was seen inside that coach. He had tried to ascertain the tapering pattern of the liquid on the basis of the pattern of burnt portion of the floor. He has denied that such fire could have taken place in the coach as a result of inflammable liquid in a vessel getting spilled in the coach. This witness has produced photographs taken by his office at the time of examination of that coach (Exhs.95 to 146).

139. Shri Dipakkumar Talati (W-39), another Assistant Director of the Laboratory, having M.Sc. degree in Chemistry and experience of chemical analysis since 1977, has stated that during the course of his service he had done about 400-500 chemical analysis of inflammable articles. He had examined about

45 articles relating to the Godhra incident sent to him for analysis and prepared a report in that behalf. He has produced a copy of that report dated 20.3.2002 (Exh.156.) He had also received 36 more parcels and in respect of those articles he had prepared two reports ( Exhs.157 and 158.) He had done chromatography on those articles to find out if they contained any traces of acids or hydrocarbons. He has stated that on examination of all those articles, he had found acid element in one sample. He had found in samples referred to as item no. 1 hydrocarbons which are left behind by petrol. He had not found therein hydrocarbons which are left behind by other petroleum products like kerosene and diesel. He had prepared 47 charts of gas chromatography done by him and others in their laboratory. They were in respect of articles sent to their laboratory by the police to find out presence of hydrocarbons therein. After referring to the charts, he has stated that peaks in the charts indicate presence of hydrocarbons and different heights of peaks indicate presence of different types of hydrocarbons. He was however, not able to say which peak indicates which hydrocarbon. On the basis of analysis of items no. 15 and 16 he could definitely say that they contained hydrocarbons but it was not possible to say which types of hydrocarbons they were. Only the range of hydrocarbons could be stated with definiteness. By merely looking at the chart it was not possible for him to say which hydrocarbons are indicated by that chart. He has further stated that they had done examination of the articles not by temperature programming but by maintaining isothermal condition. They had started examination with temperature at 150 degrees centigrade. When he was shown list exh. 5970 containing names of 31 substances with their boiling points, he has stated that he was not in a position to say whether all those substances were ingredients of petrol. He has stated that some of them may not be the ingredients of petrol. With reference to the said list ( exh. 5970 ) he has further stated that the method shown in that list is quite different from the method followed by them. When any article is examined in cromatogram then different ingredients thereof get separated at different times and the time taken for that purpose is known as

retention time. In the manual of their machine different retention times are not shown. The machine which they had used is not capable of separating more than 100 ingredients but it can show the pattern. On the basis of the graphs prepared by their machine, it is not possible to say which peak indicates which component but it is possible to say which class of hydrocarbon is indicated. He has stated that at 150 degrees centigrade all the hydrocarbons of petrol get evaporated. If Petrol gets burnt 100 % then it may not leave any residue. After looking at page 1/6 of the chart Exh.5969 he has stated that the peaks higher than no. 8 show presence of hydrocarbons. For examination of burnt and unburnt petrol there are no instructions contained in the manual of their machine but their laboratory has established a procedure which has been followed since long and it has been recognized also. He has stated that they have been following the said procedure for detecting hydrocarbons.

140. After looking at the list exh. 5971 shown to him containing details regarding hydrocarbons of 5 substances, he has stated that he has not made a deep study of the ingredients of such substances. As they had received samples of burnt petrol, they had prepared one control sample by burning petrol and cotton cloth together. He had prepared the same on the basis of his experience. He had not done any quantitative calculation as regards the ratio of hydrocarbons in unburnt petrol and hydrocarbons in burnt petrol. He has however, stated that merely because he was not able to say anything in respect of the table exh. 5972 shown to him, it would not mean that what he has stated in the report is not correct. He has categorically stated that in the sample which he had tested, there was no trace of fluid (unburnt) petrol. It was not possible to make quantitative analysis of the samples shown to him nor it was possible to make any quantitative analysis on the basis of the graphs prepared by him.

141. Mukesh Joshi (W-1001) was working as Scientific Officer in the Forensic Science Laboratory. He had accompanied Shri Dahiya to Godhra on three occasions i.e. on 3.5.2002, 2.7.2002 and 11.7.2002. He has produced copies of the reports (Ex.5665) prepared by their office. Out of those reports two reports were prepared by him. He was working in the physics division of the laboratory since 1976 and had examined various articles received by the laboratory in about 2000 cases. He has stated that when they had gone to Godhra, they were told that Police wanted some clarifications as regards coaches S/6 and S/7 and their vestibules. He had seen hit marks on the outer side of coach S/6 caused by stones hitting the coach. There were burn marks also on the outer side of coaches S/6 and S/7.

142. Satishchandra Khandelval, (W-1002) was an Additional Director in that laboratory. He was the head of the Physics and Balastic Division. He has stated that during his tenure in the laboratory he had dealt with about 2000 cases. On 11.7.2002 he had examined the burnt coaches and prepared a report on 20.7.2002. He had examined the sliding door of coach S/6 which was towards coach S/7. He had come to the conclusion that the sliding door was open when the fire had broken out in the coach. At that time the door was inside the toilet and had touched the wall of the toilet. He has also referred to the scratch marks on the door and stated that those scratch marks had occurred before the fire had taken place. He has produced 5 photographs (Exh.5667) taken by him.

143. Jitendrabhai Dave (W-104) was working as Technical Deputy Director in the Laboratory. He had merely forwarded some reports prepared by the Forensic Science Laboratory to the Police authorities under his covering letter. He has stated that when the samples were scientifically examined by the Expert he was in technical supervision thereof.

144. Having narrated briefly the evidence of witnesses on this point and other supporting evidence, we now proceed to consider its worth and what does it establish. The witnesses had seen the attack and described how the attack had taken place. That is the direct evidence of eye witnesses. The other category of evidence is of supporting evidence is of railway officers and others who were immediately informed about what was happening near A cabin and also of evidence of witnesses who had rushed to that place and were told by the eye witnesses what had happened. There is also supportive evidence of other persons who had done something relating to the incident. It is to be considered to what extent this corroborative evidence helps in appreciating the direct evidence. There is also documentary evidence consisting of entries made in the relevant registers and reports made by the railway officers. What corroboration they provide to the evidence of the eye witnesses is also to be seen.

145. The police as a part of the investigation of this incident had approached passengers travelling in coach S/6 and also some other passengers and recorded their statements. They have been produced before the Commission by the police along with the charge-sheets submitted from time to time. Some of those passengers were examined by the Commission to test veracity of what they had stated before the police. Most of them were Ramsevaks but other passengers who were available were also examined. Many passengers had received injuries and were taken to the Godhra Civil Hospital for treatment. Some of them had lost their close relatives.

146. Driver Rajendraraao, assistant driver Mukesh Pachori, guard Satyanarayan Verma and TTE Sajjanlal Raniwal were inside the train. Therefore their presence and ability to see what was happening are beyond any doubt. That would be equally true as regards the passengers who were in coach S/6 and had become victims of the attack. Some policemen who had rushed towards the train obviously

had seen what was happening ahead. The passengers other than those, who have given evidence before the Commission, have also stated about the attack in their statements given to the police during investigation.

147. It is stated by TTE Sajjanlal Raniwal (W-15), Savitaben (W-35), Babubhai (W-36), Dwarkadas (W-37), Ashwinbhai (W-42), Ramfersinh (W-40), Satishkumar (W-41), Lallanprasad (W-44), Gayatridevi (W-45) and Hariprasad (W-1009) that there was pelting of stones on the train while it was going towards 'A' cabin. Sajjanlal Raniwal has stated that as soon as the train had moved out of the platform, a mob standing on the left hand side had started throwing stones on it and for that reason he was required to close the door and shutters of the windows of their compartment. If really that had not happened, there was no other reason for Sajjanlal to say so. He would not have closed the windows unless he was compelled by the circumstances to do so. The passengers have also said that as the persons on the left hand side of the train had started throwing stones on the train, they were required to close windows of their coach. Some of the witnesses have stated that stones which were thrown on the train had broken glass of one or two windows and therefore, the passengers in the coach were required to close the tin/metal shutters of the windows on that side. Hariprasad has also clearly stated that right from the time the train had moved out of the station, pelting of stones on the train had started and because of that passengers had closed the windows of their coach. There is no reason to doubt this part of their evidence. Hariprasad and other witnesses would not have said so unless it was true as they had nothing to gain by saying something that which was not correct.

148. As against what TTE Sajjanlal and those passengers have stated, Jan Sangharsh Manch has submitted that neither driver Rajendraraao nor assistant driver Mukesh Pachori has stated anything with regard to the attack on the train with stones while it was moving towards 'A' cabin. They would have seen the mob, if there was any, as they were in a better position to see what was happening

outside. Rajendraraao has stated that his attention was fixed on the track ahead and therefore, he had not noticed any mob or movement of persons near the Signal Falia. This conduct of Rajendraraao is quite natural. He was moving out from the station and had to keep an eye on the tracks ahead. Moreover he had to exchange the “all right” signal with the staff at ‘A’ cabin and therefore also it is likely that his attention was towards ‘A’ cabin. They had no reason to look towards the Signal Falia side. The evidence is that persons were chasing the train in small groups. They were not standing near the track. They were beyond the ‘nala’ which was between the railway boundary and the Signal Falia. There were bushes on both the sides of the ‘nala’. The mobs had come near the train a little later. They were not standing near the track before hand. Therefore, driver Rajendraraao and his assistant Mukesh Pachori might not have seen them. Their having not seen any mob does not provide a good reason to raise any doubt regarding reliability and truthfulness of the evidence of TTE Sajjanlal and the passengers. In view of the false rumour spread that a Ghanchi Muslim girl was being taken away, what the passengers have said regarding mob is more likely to have happened. The Commission is of the view that on the basis of this evidence it is quite safe to record a finding that the train was attacked with stones while it was running between the station and ‘A’ cabin.

149. After running for about 3/4 kilometer, the train had stopped near ‘A’ cabin. The evidence of Guard Satyanarayan Verma, TTE Sajjanlal Raniwal and driver Rajendraraao is that it had stopped because of chain pulling. Guard Satyanarayan Verma’s evidence discloses that if there is chain pulling then the guard will come to know about it sitting in the guard’s compartment. Having come to know about it he had informed the Station Master about it by walkie-talkie. His say that he had informed the Station Master about it is corroborated by ASM, Harimohan Meena and Dy. S.S. Yusufali Saiyad. In his statement made to the Senior Divisional Commercial Officer on 28-2-2002, he had clearly stated that the chain was pulled

again and because of that the train had stopped near K.M. 468/45. What the guard has said also receives support from TTE Sajjanlal Raniwal who has stated that again there was chain pulling and the train had stopped near 'A' cabin. In his statement to his higher officer given on the same day i.e. 27.2.2002, he had said the same thing. Driver Rajendraraao's version in this behalf is that soon after he had exchanged 'all right' signal there was chain pulling and because of that the train had stopped near pole no. 468/19. He had blown the whistle indicating pulling of chain and had also informed the guard about it. The time stated by this witness about pulling of chain provides an important circumstance. It was after the exchange of 'all right' signal with 'A' cabin. This was a routine procedure. It indicated that the line was clear and the train could proceed further. If the brake had continued to apply as suggested, driver Rajendraraao would not have indulged in this formality as it would have been meaningless to do so. As stated earlier, this circumstance is more consistent with the version of the witnesses. The fact of blowing whistle by the driver is corroborated by ASM, Rajendraprasad who was at the 'A' cabin and also by the guard Satyanarayan Verma. What Rajendra Rao has stated is challenged generally on the ground that he is not a truthful witness for the reasons which we have already stated earlier. Neither the omission to mention 'ACP' in his note book at the place where he had written 468/19 nor his not seeing the mob are good enough to lead to the conclusion that what he has stated is not true. He has explained by stating that when chain pulling happens repeatedly it is not necessary to write the words 'ACP' again and again and therefore he had not written the word 'ACP' against 468/19. Once it is believed that Rajendraraao had blown the whistle and informed the guard about this chain pulling whatever little doubt that arises as a result of not mentioning the word 'ACP' in his note book has to disappear. His evidence that if a single flap valve remains open then there will not be required vacuum in the system and therefore the train could not have been dragged in that condition upto 'A' cabin appears to be true. No material has been produced to show that what Rajendraraao has said is

not correct. Bare suggestions put to a witness without any support from reliable material on the subject cannot dislodge his evidence given on oath and otherwise found to be quite reliable. As dragging has to be ruled out in view of what Rajendraraao has said, the alternate pleas that the chain pulling from coach no.88238 or some other coach was not set right or the hosepipe having created a leak have to be ruled out as mere speculations inconsistent with the actual evidence.

150. Two passengers have also stated that there was chain pulling again and therefore the train had stopped. Lallanprasad (W-44) and Minaxidevi (W-1008) have stated that there was chain pulling. In view of the facts and circumstances disclosed by the evidence it is highly unlikely that anybody inside the train would have pulled the chain when it was under an attack with stones and the passengers were required to take protective measures. It would follow therefrom that the chain was pulled from outside. Once the possibility of chain pulling from one of the coaches being not set right is ruled out, the reasonable inference to be drawn is that the chain was pulled again to stop the train.

151 The truthfulness of what these witnesses have said on this point has been questioned on the ground that after introduction of the modified alarm chain mechanism in the year 1995, it has become almost difficult if not impossible to rotate the disc and thereby apply brake from outside. Along with an application (Exh.5945) dated 4/12/2006 Jan Sangharsh Manch has produced a copy of the circular dt.13.2.1995 issued by the Railway Ministry for changing over to the modified alarm chain mechanism. The material which the Commission has been able to collect on this point indicates that all the coaches of this Sabarmati Express train were fitted with vacuum brakes and the modified alarm chain system. Shri Gangaram Rathod, Sr. Section Engineer, Carriage and Wagon Department, Ahmedabad, in his statements dated 13.12.2006 and 14.12.2006 sent to the

Commission, pursuant to the information sought by the Commission has explained how even now it is possible to activate vacuum brake of the train from outside by raising the cam. Earlier the brake mechanism could be activated by merely turning the disc but now that cannot be done. Rotation of the disc now does not operate the clappet valve. But as explained by Mr. Rathod, even now by raising the cam which is between the disc and the clappet valve, a person familiar with these parts can easily operate them from outside and activate the vacuum brake. The box which is fixed over the clappet valve is only for its protection from dust and water. It does not prevent a person to lift the cam from outside. He has clearly and positively stated that even now alarm chain can be pulled from outside. The statement of Ajay Bariya, discloses that some of the vendors doing business on the platform at Godhra railway station knew how to operate the brake from outside the coach.

152. Why should guard Verma have stated something which was not correct ? He had reported that there was again chain pulling because he had come to know about it sitting in his own compartment. He had done so on his own. He had no talk with driver Rajendrarao. Similarly ASM Rajendraprasad Meena had also acted on his own on hearing the whistle. He had also not talked with Rajendrarao. Neither of them knew that the chain pulling from all the coaches was not set right. On consideration of the evidence on this point, it appears to the Commission that what they have said is correct as against what has been suggested by the parties canvassing a different possibility. The Commission is of the view that there was no reason for these witnesses of the railway to say a falsehood. Their evidence appears to be true and the Commission has no hesistation in accepting it as such.

153. In view of the conclusion recorded by the Commission that there was no chain pulling from coach No.90238 the point raised that chain pulling from that

coach No.90238 was not set right and the train was dragged upto 'A' cabin really becomes irrelevant and does not deserve any consideration. However, in view of different suggestions made by the Jan Sangharsh Manch regarding the coach from which, according to it, chain was pulled and not set right the Commission has considered that aspect also. The Commission does not find any substance in it and comes to the conclusion that there was again chain pulling after the train had left the platform and the train had stopped near 'A' cabin because the chain was pulled again. The train had not left the station without the chain pulling being set right and therefore, there was no question of dragging the train upto 'A' cabin. The Commission is also of the view that it is immaterial whether the chain was pulled from one coach or more coaches and from which coach it was pulled. The evidence establishes that the train did not stop on its own but it was made to stop by pulling the alarm chain from outside.

154. What happened after the train had stopped near the 'A' cabin is stated by, driver Rajendraraao, assistant driver Mukesh Pachori, guard Satyanarayan Verma, ticket examiner Sajjanlal Raniwal, assistant station master Rajendraprasad Meena and all the passengers whose evidence has been recorded by the Commission. Assistant station master Akhil Kumar Sharma, who was at 'A' cabin and other passengers who were in coach S/6 have also in their statements recorded by the police stated about the attack on the train near 'A' cabin. Their evidence read together discloses that after the Sabarmati Express train had stopped near 'A' cabin, the attack on it with stones had become more severe. Small mobs rushing towards the train became a big mob of more than 1000 persons. Some of them were found carrying sticks, iron bars and other weapons. Apart from throwing stones, force was used to break the windows and their iron bars and to open the doors. Some persons in the mob were shouting 'maro, kapo, jala do' etc. Coach S/6 was made the main target. Many of its windows on the signal Falia side were

broken and through those open windows stones, burning rags and inflammable liquid were thrown inside. It was set on fire by some miscreants.

155. Driver Rajendraraao's evidence in short is that a big mob had rushed towards the train, some persons from that mob had come very close to the engine and some of them had thrown stones on it and threatened them. He has further stated that the mob had thereafter attacked the rear part of the train. The evidence of Rajendraraao is challenged on the ground that he is not a truthful witness as he has falsely denied that the train was not dragged by him upto 'A' cabin and had said that it had stopped near 'A' cabin because of pulling of chain again. If it was really a case of pulling the alarm chain again, he would have written in his note book the word 'ACP' again as he had done at the time of the first chain pulling. Rajendraraao has explained why the word 'ACP' was not written again and the explanation does not appear to be false. Moreover, the evidence shows that there was no chain pulling from any other coach, including coach No.90233. He had not dragged the train upto A cabin as the chain pulling from all the coaches was set right before he had started the train. He had blown the whistle indicating pulling of chain. He had talked to the guard on walkie talkie about chain pulling. In his F.I.R. recorded on the very same day i.e. on 27.2.2002 he had referred to the chain pulling. His conduct together with other facts and circumstances established by other reliable evidence indicate that what he has stated is true. He was not illtreated by the mob. He had no reason to say something which was false. As disclosed by his evidence the mob was not hostile to the railway personnel. It is clearly indicated, by the type of threat given to this witness and Mukesh Pachori and also from the fact that none of them was attacked, that those persons wanted to attack only the passengers and did not want Rajendraprasad and Mukesh Pachori to interfere with what they were doing.

156. Assistant driver Mukesh Pachori's evidence is also similar to that of driver Rajendraraao. Like Rajendra Rao, he had no reason to concoct a false story. Neither the omission of writing ACP by Rajendraraao nor their not referring to the presence of small mobs towards Signal Falia side can detract from truthfulness of their evidence. What he and driver Rajendraraao have deposed before the Commission is consistent with what they had stated earlier in their statements to their higher officers and before the police soon after the incident.

157. ASM Rajendraprasad Meena's presence at 'A' cabin is not a matter of any doubt. He was still on duty at that place as the ASM who was to take over had not come. He had got down from A cabin as the train had stopped there and the driver had blown the whistle indicating pulling of the alarm chain. Having seen about 250 to 300 persons rushing towards the train and throwing stones on it, he had thought it safe to go back to the cabin. He had immediately reacted to the situation by telling his colleague ASM Akhil Kumar Sharma to close the door and windows of their cabin and by informing Dy. S.S. Yusufali Saiyed and also Vadodara control about the attack on the train. This conduct of Rajendraprasad Meena was natural under the circumstances and it provides an assurance about what he has stated. Like the driver and the assistant driver, he was also not assaulted by the mob. On the same day he had made notes in his charge book about what had happened and what he had done. He had also submitted his statement to the Divisional Railway Manager. The fact that he had sent messages to the Dy. S.S. Saiyed and railway control at Vadodara is borne out by the evidence of Yusufali Saiyad and the railway officers who had rushed from Vadodara to Godhra. He is an independent person and had no reason to make false allegations against persons whom he even did not know. Inspite of many questions in the nature of cross examination asked to him, nothing has come out in his evidence which would create any doubt regarding truthfulness of what he has said. It was contended that if really the mobs had gathered near the track, as pre-planned to attack the train,

then in that case, this witness must have noticed those mobs as he was standing in his cabin near a window at the height of about 14 ft. and his attention was towards the Station and the train which was coming from that side. On the basis of his reply that he had not seen any mob earlier a point has been raised that really no mob had gathered near Signal Falia. Whether such a conclusion necessarily follows from that reply is a different matter; but it is difficult to appreciate how for this reason it can be stated that he was not telling the truth. As the evidence discloses the Signal Falia starts from near station and extends almost upto A cabin. Upto the culvert there is a road parallel to the track and thereafter there is a 'nala' and some open space wherein there are bushes. The people had come running from the Signal Falia and formed a mob after crossing the 'nala' and coming near the track. They were not waiting near the track before hand for the train to arrive there. He was busy with his work. His attention was on the train. Considering all these facts and circumstances, it is quite likely that he had not seen the mob earlier. This witness had reported almost immediately what was happening near A cabin. He did not know what had happened on the platform. He did not know at that time why the mob was attacking the train. He had stated only that which he had really seen. He has fairly stated that he had not seen any one actually setting the coach ablaze and that he had inferred like that from what the persons in the mob were doing near coach S/6. The evidence of this witness does not suffer from any infirmity justifying rejection thereof. It deserves to be accepted as true.

158. Guard Satyanarayan Varma and TTE Sajjanlal Raniwal were also witnesses to the attack on the train. They did not know why the train was stopped and attacked. TTE Sajjanlal Raniwal had got out of the coach to find out what had happened but he did so by getting down on the yard side eventhough he was sitting on the other side. Obviously he had done so for the sake of his safety. This conduct of the witness was quite natural under the circumstances. He knew that

the train was attacked with stones but he did not know why it was attacked. His attempt to go ahead and find out what had happened was also natural. However, seeing hostility of the mob, he had to return to his coach. The guard had also got down from the compartment and attempted to go ahead and find out from which coach the alarm chain was pulled. As the mob standing ahead was pelting stones, he was advised by the police to go back. Under these circumstances, he had to return to his compartment and inform the station staff on walkie talkie about what was happening. The natural conduct of the guard and the TTE Sajjanlal Raniwal together with the messages conveyed by them and the statements sent by them to their higher officers on the same day, indicate that what they have said to the Commission about the attack on the train is true.

159. What Satyanarayan Verma has stated in his statement before the Commission is also corroborated by his statement addressed to the Senior Divisional Manager, Ratlam on 28.2.2002. The fact that the Guard had informed Dy. S.S. Yusufali Saiyed is corroborated by A.S.M. Hari Mohan Meena who has stated that soon after he had received a message from A cabin the Guard had also informed Shri Saiyed about stopping of the train near A cabin and pelting of the stones thereon. A.S.M. Rajendraprasad Meena has also confirmed that the Guard had informed Dy. S.S.M. Saiyed about the attack on the train.

160. Even after close scrutiny of the evidence, we do not find anything therein, which would indicate that they were interested witnesses and what they have said is not true. As stated earlier they had no reason whatsoever to give a false version of what had happened. They belonged to the railway and were independent witnesses. Why should they have said on oath anything which was false? Their immediate conduct lends support to their version of the incident. The Guard and the TTE had to rush back to their coaches and A.S.M. Meena had to go back to his cabin. The driver had to remain inside his engine. Unless they were compelled to

do so for the sake of their safety they would not have gone back to their respective safe places instead of taking necessary steps for starting the train. The conduct of the witnesses is more consistent with the version of an attack on the train than with the other cause suggested for the incident. All these witnesses had either on the same day or on the next day informed their superior officers about what had happened by submitting their statements.

161. The railway personnel was not involved in any manner in any of the incidents which had happened on the platform. The mob was not angry with them. That clearly appears to be the reason why they were not attacked. Driver Rajdndrarao and asstt. driver Mukesh Pachori were threatened but that was not because of anything done by them. It was a warning to them not to interfere with what they wanted to do. Thus they had no reason to say falsely that a mob of Muslims had attacked the train with stones while it was standing near 'A' cabin. The fact that the train had stopped near A cabin at about 8.00 o'clock and heavy pelting of stones had started then stands corroborated by the contemporary documentary evidence also. The entries made by the police about receiving telephone calls and dispatching mobile vans have been produced before the Commission and the Commission sees no reason to doubt correctness of the same as nothing suspicious is found with respect to them.

162. The fact that the District Police Control was informed at about 8.05 over telephone by the railway police station and 3 mobiles were dispatched to the place of incident at 8.06 a.m. and the fact that at about the same time railway police control at Vadodara was also informed, lends sufficient assurance in accepting as true what these persons from the railway have said.

163. PI Mahobatsinh (W-17) had also seen the attack on the train near A cabin by the mob of Muslims. He was the officer who had ordered lathi charge and

firing for dispersing the said mob. By 8.30 a.m. the firing was over. Therefore, the suggestion that he had not reached near the train till 8.30 a.m. has no substance. It is stated by DSP Raju Bhargav that when he had reached near the train at about 8.30 a.m. he was told by one of the policemen that they had fired some rounds to disperse the mob. The fact that there was pelting of stones is also corroborated by PSI Rajibhai Parmar (W-29) who had gone there with his mobile van. Sureshgiri Gosai (W-30), who had gone with the fire fighter near the train, has also stated that the persons in the mob were throwing stones on the train. DSP Raju Bhargav has also stated that after reaching near the train when he had inquired from one of the policemen as to what had happened, he was informed that "the train was stopped and there was heavy stone pelting on the train and that they had fired some rounds". He had found the passengers in an agitated mood because the train was attacked. There is no good reason for doubting what all these persons have said.

164. In view of this overwhelming evidence of the railway officers, police and the corroborative evidence consisting of the statements, entries and official records, the Commission unhesitatingly records the finding that while the train had stopped near A cabin at about 8.00 a.m., it was attacked heavily with stones. ASM Rajendraprasad who was in 'A' cabin, would not have delayed his request for police help for their own safety and safety of the train and the passengers. At 8.05 a.m. the District Police Control was informed. As stated earlier, there is some difference in the time noted by the Guard and the driver regarding starting of the train from Godhra railway station and the second chain pulling and the time noted by the railway staff at the Station for the reason that they had noted the time as per their own clocks. The difference is also not big. The difference is of about 3 minutes in the time noted by the Guard. According to him, the train had reached at Godhra at 7.40 a.m.. Obviously, that difference of 3 minutes had continued while making a note with respect to everything that happened thereafter. So also there is

difference of 3 minutes in the time given by Mukesh Pachori and the railway staff which was at the railway station. The fact remains, that at about 8.00 o'clock a message was received by the railway officers at the railway Station that the train had stopped near A cabin and it was under attack with stones.

165. The passengers who have been examined by the Commission and others whose statements were recorded during the investigation have consistently stated that after the train had stopped near 'A' cabin, it was heavily attacked with the stones by the mob. All of them were not Ramsevaks. Some of them belonged to different places and had nothing to do with the Ramesvaks. In fact they were deprived of their seats by the Ramsevaks. All the witnesses have spoken about the heavy pelting of stones on the train after it had stopped near A cabin.

166. Ramfersinh Rajput (W-40), a person belonging to Basantpur in Raibareli District of U.P. was returning from his native place and was going to Kadi where he was working as line inspector in telephone department. He has stated about heavy pelting of stones on the train after it had stopped by a big mob of about 1000 persons. Satishkumar Mishra a person from U.P. has stated that for quite a long time heavy pelting of stones had continued on the train. Lalanprasad (W-44) a person belonging to Naini in U.P. Govindsinh Rajput, an army subedar, Lallakumar Jatav (W-1001) Radheshyam Mishra (W-1013) who was earlier serving as Havaldar in Army, Ramnaresh Gupta (W-1015) and Veerpal Chhedilal (1016) have all said the same thing while deposing before the Commission. These passengers were totally independent persons. They had nothing to do with Ramsevaks. They had no grievance against the Muslims. There is nothing in their evidence which would create any doubt regarding their reliability. What they have stated deserves to be accepted.

167. Other passengers have also stated that their coach was heavily attacked with stones by a mob which was on the signal Falia side. Many passengers have stated that the stones hitting the windows had broken the glass and metal shutters of those windows and therefore, some windows had become open. They have further stated that as the windows had become thus open the stones which were pelted by the mob were coming inside the coach and as a result thereof, some passengers got hurt and most of the passengers were required to take protective measures. Some passengers had climbed on the upper berths and some passengers had taken shelter below the lower berths. Some passengers had left their seats and were standing away from windows. Station Superintendent Katija and TTE Sajjanlal Raniwal and others have stated that some windows of the coach S/6 were found to have been broken. There is evidence to show that there were hit marks on the coach. These facts support what the passengers have stated.

168. All the passengers have stated that the attack with stones had continued for about 10 to 20 minutes. It had continued till there was fire and smoke in coach S/6 and even thereafter. The evidence of the passengers on this point is consistent with the evidence of the witnesses of the railway including the railway police officers. First message sent from A cabin to the station at about two minutes after 8.00 a.m. was that the train was stopped and attacked. The message regarding fire and smoke in the train was given at about 8.20 a.m. DSP Raju Bhargav's evidence is that he had received the message for stopping of the train at 8.05 a.m. and when he was on his way to the railway station, he had heard on wireless that the coach was set on fire. He had reached the station at 8.15 a.m. The evidence of Sureshgiri (W-13) Fireman of the Fire Brigade at Godhra is that the message was received at 8.20 a.m. that there was fire in Sabarmati Express train. The evidence of these witnesses receives support from the entries maintained in the registers at the receiving ends. Their evidence on this point does not suffer from any infirmity and there is no reason why it should not be believed.

169. Their evidence further discloses that stones thrown by the mob had broken shutters of some windows of coach S/6 and one window of coach S/7 and some persons in the mob had also used force to break iron bars of windows of the coach S/6. Ashvinbhai (W-42) who was in coach S/6 has stated that he had seen some persons in the mob trying to break bars of the windows of coach S/6 by iron pipes. Other two passengers Babubhai and Govindsinh have also said so. Passengers Mahesbhai (W-34), Savitaben (W-35), Babubhai (W-36), Jayantibhai (W-38), Ramfersinh (W-40), Satishkumar (W-41), Lalanprasad (W-44), Gayatrivedi (W-45), Govindsinh (W-46), Shilaben (W-47), Punamkumari (W-49), Ramnaresh (W-1015) and Virpal(W-1016) have clearly stated that as a result of the attack by the mob, some windows of coach S/6 had become open as their shutters had given way and through those open windows, stones and other things thrown from the outside were coming inside the coach. Some of the passengers were hit by those stones and had received injuries. Savitaben (W-35), Babubhai (W-36), Dwarkadas (W-37) Jayantibhai (W-38), Gayatrivedi (W-45), Shilaben (W-47), Punamkumari (W-49) and Ramnaresh (W-1015) have stated they were injured by the stones thrown by the mob. Govindbhai (W-48) has stated that some passengers were injured by the stones thrown by the mob. Passengers Babubhai (W-36), Dwarkaprasad (W-37) Jayantibhai (W-38), Ramfersinh (W-40), Satishkumar (W-41), Gayatrivedi (W-45), Shilaben (W-47), Hariprasad Joshi (W-1009) Lallakumar (W-1001) and Radheshyam (W-1013) have described how with a view to protect themselves against this attack with stones and other articles falling inside the coach they had to take shelter either by going up on the upper berths or by going below the lower berths or to places in the passage which were found to be safe. Some of these witnesses have also described how two passengers had stood near the windows and by holding their suit cases in their hands tried to block stones and other articles from coming inside the coach. What they had done was consistent with the natural conduct of a person placed under such situation. The evidence that some windows of coach No.S/6 were broken can be accepted

without any doubt in view of other supporting evidence on record. So also the fact that some passengers in coach S/6 were injured by the stones which had hit them stands corroborated by the evidence of other independent witnesses and by the medical evidence. Their evidence has remained unchallenged. There was also no reason for them to say all that if such things had not happened. After close scrutiny of their evidence, we find that their evidence on this point is truthful and the facts stated by them can be accepted as correct.

170. Along with stones, some other articles were also thrown in the coach S/6. Savitaben (W-35), Ramfersing (W-40), Ashvinbhai (W-42), Bhupatbhai W-43), Lallanprasad (W-44), Gayatrivedi (W-45), Shilaben (W-47), Mukesh Makwana (W-48), Punamkumari (W-49) and Radheshyam Mishra (W-1013) have said so before the Commission and have also stated like earlier when their statements were recorded by the police. Savitaben has stated that persons in the mob had thrown burning rags and some inflammable material in the coach through the open windows. That had led to fire and smoke in the coach. Ramfersinh had also seen persons in the mob preparing and throwing burning rags inside their coach. He has also stated that they had thrown pouches containing some liquid. As a result of burning of liquid there was smoke in the coach and that had caused burning sensation in the eyes of the passengers. He has specifically stated that the burning rags and the pouches thrown inside the coach had caused smoke in the coach. Gayatriben (W-45) had seen a burning rag falling on a rexine seat and the seat having started burning as a result thereof. They had therefore, got down from the upper berth where they had taken shelter. Radheshyam Mishra (W-1013) had taken shelter below his seat. He had seen burning rags and some bottles containing liquid falling inside the coach. He has stated that those things had led to fire and smoke in the coach. Other passengers have generally stated that burning rags were thrown inside the coach. The passengers had informed DSP Raju Bhargav at about 8.30 a.m. that the train was attacked by a mob and many passengers were

injured and killed. The Station Superintendent Katija who was present along with the Collector has also said so in his evidence. Where was the reason and time for these passengers to concoct a false story? Considering the situation prevailing then, it is highly unlikely that the passengers had any discussion amongst themselves and they had decided to give a false version about the attack on the train. Within minutes of getting out of the coach, they had complained to the DSP and the Collector about the attack by the mob and setting the coach on fire. For the same reasons which are stated earlier for accepting their evidence on other points, this part of their evidence also deserves to be accepted. From what was seen by ASM Meena, he had inferred that coach S/6 was set on fire by the mob. RPF Commandant Pandey's evidence also discloses that what was told to him by his RPF Policemen and others was that coach S/6 was set on fire by the mob.

171. Before we record our findings regarding evidence of these witnesses together with other evidence placed before us, we think it proper to refer to the second attack by the mob which is stated to have taken place sometime between 11.00 a.m. and 11.45 a.m. In substance what is disclosed by the evidence is that while shunting of the train was going on for taking coach S/6 on line No.10 in the yard, two mobs of Muslims were seen coming towards the place where the train, passengers and other railway men were standing. Persons in the mob were raising shouts. After coming nearer they had pelted stones on the persons standing there. They were ordered to go away but they did not pay any heed and had tried to come nearer. Apprehending serious consequences the police had resorted to lathi charge and firing. As a result of firing two persons died and one person was injured. About 6 to 7 policemen were injured by stones.

172. The evidence shows that the fire in coach S/6 was doused by 10.00 a.m. By 10.30 p.m. PI Mohbatsinh had completed registration of the complaint at the Godhra railway police station. He had come back near the train by about 10.45

a.m. Special I.G. Swarup had also arrived from Vadodara by that time. It was first decided by the railway staff to take the train back to the station. After consultation with the police officers, it was decided to take the train to line No.10 in the yard and separate coach S/6 there. At about 11.00 a.m. the shunting process had started and while it was going on two mobs of Muslims had come near the train and pelted stones on it and on the persons who were present there. With respect to this attack there is evidence of PSI Mohbatsinh Jhala and other officers of the railway police. This is one set of evidence. There is also evidence of the passengers.

173. PSI Mohbatsinh has stated that after returning from the station, he was questioning persons who were caught earlier. At that time, two mobs of Muslims were seen coming towards the train. They had then started throwing stones on the passengers and the railway officers. He had felt that the said mobs wanted the apprehended persons to be released as some persons therein were saying: "release those 9 apprehended persons". They were also shouting "Hinduoko Kat Dalo". About 7 policemen were hit by stones and had received injuries. The mob which had come from the Signal Falia side, had come near 'A' cabin where he was standing and the mob which had come from the Masjid side had gone towards the place where the passengers were standing. The police had then apprehended 11 persons from the mob. They had weapons with them. Giving details about the place around 'A' cabin he has stated that near the place where the train was standing, there was open space of about 5 feet after leaving the track. Thereafter there is an open drain which is about 7 feet deep and again thereafter there is open space. In that drain and the open space there are scattered Babul trees. He has stated that PSI Gadhvi was the first person to come with his men from Vadodara. He had come between 9-30 a.m.. and 9-45 a.m. The in-charge Dy. S.P. and other officers had come between 11-00 a.m. and 11-15 a.m. He has stated that Ali Masjid is situated towards south of 'A' cabin. By the side of 'A' cabin, there was a heap of metals. It was 3 to 4 feet in height. The heaps of metals were not in the

nala but were on the open space. He denied that because of many Babul trees in the Nala, it was not possible to see in that direction upto a long distance. He has stated that from near 'A' cabin, the foot track for going to the Masjid can be seen. Eleven persons who were rounded up belonged either to Signal Falia or to Polan Bazaar. He knew some of them by face and also by their names. It was suggested to this witness that the persons who had gathered there had come from the platform side because of curiosity to see what had happened. This suggestion was denied by him as incorrect. According to him, the stones which were thrown on the train were not metals but were brickbats.

174. PSI P.M. Gadhvi (W-24) was working in the LCB branch of the Western Railway. His evidence is that on 27-2-2002, he had left for Dahod at 7-45 a.m. but as the train was detained at Kharsalia station for a long time, he had contacted Godhra railway police station on telephone. He was informed that one coach of Sabarmati Express train was set on fire and there was some trouble there. He had, therefore, informed Vadodara Control about the same and left for Godhra immediately with his men by road. He had reached Godhra at about 9-45 a.m. At that time the passengers were shouting and complaining. He had helped PSI Jhala in maintaining bandobast and also joined him in rendering other help. While they were thus engaged in the bandobast, a mob of about 2500 to 3000 persons had come from Signal Falia side and started pelting stones. They were also shouting "Maro, Kapo". Some of them were armed with weapons. Another mob was seen coming running towards the train. It was trying to go near the place where PI Jhala had kept some persons who were apprehended earlier. Persons in the mob were throwing stones on the train and also on them. Dy. S.P. Simpy had ordered the mob to disperse. The mob had not dispersed and had become more violent. Therefore, Dy. S.P. Simpy had ordered them to fire shots in the air. He had fired 2 rounds in the air. Even thereafter, persons in the mobs were throwing stones. Therefore, the RPF policemen who were there also fired some shots. During this

time the police had apprehended 11 persons. Persons in the mob were shouting "Maro,Kapo". The mob was about 125 to 200 steps away from the place where he was standing. He has also stated that some policemen were injured by the stones thrown by that mob. Some persons in the mob had weapons with them. They had not tried to injure any passenger with those weapons. After the police had resorted to firing, the mob had not tried to come near the track. He had remained near the track till 12-30 p.m. Some persons in the mob had also thrown acid bulbs towards the passengers. He has stated that as he had come to know about the incident, he had gone to Godhra without any order from a higher officer. When he had met PSI Jhala near the place of the incident PSI Jhala was questioning persons who were rounded up earlier. He had remained with PSI Jhala for about 2 minutes. He had talked to one passenger and come to know that the train was attacked with stones and, therefore, they had got down from the train. The evidence of this witness also on this point has remained almost unchallenged. He had resorted to firing and would not have done so if really there was no mob and if the conduct of the persons in the mob was not such as to justify firing some shots.

175. RPF Commandant Pandey, (W-18) had rushed to Godhra. He was present when this incident had happened. What he has stated about it is that when he had reached near the train he had heard announcements made from the nearby mosque through a loud speaker. They were: " Kafiro ko mar dalo, Islam Khatre me Hai." Within about 5 minutes, he had seen a big crowd of more than 1000 persons armed with sticks, swords etc. coming from Signal Falia side and running towards the track. He had, therefore, climbed over the staircase of 'A' cabin and directed those persons in the mob not to come near and go away. As the mob had not relented, he had ordered his RPF men to open fire. Vikramsinh had fired 16 rounds from his carbine. H.C. Jhala had fired two rounds. Sub-Inspector Mr. Varma had fired 1 round from his pistol. Some rounds were fired by other police

men also. Till about 4-30 p.m., he was busy making necessary arrangements. He has stated that RPF force is a separate force and its role is to protect and secure railway properties. If there is mob violence or mob attack on a train or passengers, then it being the case of safety and security of passengers, the matter would primarily fall within the function of Government railway police which is a separate force. Since this was a case of law and order, it was primarily the duty of the Government railway police to deal with it. At Godhra the RPF has a post on platform no. 1 towards Dahod side end. On 27-2-2002, 9 persons of RPF were on duty at Godhra railway station. He has stated that when he had discussion with the Collector, he was away from 'A' cabin towards the yard side. While he was returning towards 'A' cabin, he had met Dy.S.P. Simpy and PSI Gadhvi of G.R.P. The mob which was seen coming running towards the track had not crossed the 'nala' when he had told them to stop. The 'nala' is running parallel to the track. The attack by the mob was at about 11-45 a.m. or 11-50 a.m. The distance between 'A' cabin and Ali Masjid is about 400 Metres. The Masjid is visible to a person standing near 'A' cabin. It was put to him that he had really not heard any announcement from the Masjid, but he has denied it as incorrect. He has also denied that because of the bushes on either side of the drain a person standing near 'A' cabin would not be in a position to see a person standing on the other side of the drain. He had on that very day, at about 13.35 hours, conveyed a message to Vadodara Control through A cabin. The message which he had given to Vadodara Control was on the basis of what he had seen, what he had heard and what he had gathered from his RPF men. This witness had also made a report on 3.3.2002 to the Director General of RPF which has been quoted earlier. Though this witness was questioned at length, nothing has come out in his answers which would create any doubt regarding what he has stated. He was a person holding a high rank of RPF Commandant. He was not a local man. He had hardly any reason to say something untrue against the Ghanchi Muslims of Godhra. The fact that the police was required to fire shots is by itself indicative of the behaviour of the mob and

the situation prevailing at the time of firing. He had sent report (Exh.62) on the very same day and a further report on 3.3.2002.

176. Dy. S.P. Simpi (W-25) who was on that day in-charge Superintendent of Police at Vadodara had rushed to Godhra, on receiving information about the incident. He had reached there at about 11.00 o'clock and gone near 'A' cabin. He has stated that when he had reached there DSP Raju Bhargav and the Collector Jayanti Ravi were present there. Some time after he had met them he had seen one mob of about 2000 to 2500 persons near Ali Masjid. They were speaking loudly and the words which they had spoken had the effect of hurting religious feelings of the other community. At that time he had also heard announcements like "Islam Khatreme Hai, Maro, Kapo" coming from loud speakers of the Ali Masjid. He has stated that he can give the names of the injured policemen after seeing the record. Questions were put to this witness regarding the type of shouts that were raised by the mob.

177. As regards the attack on the train, his evidence has remained unchallenged. He had ordered firing. Being a responsible officer, he must not have done so unless he had found that it was necessary to do so. Attempt to show that the only demand of the mob was that the persons who had been rounded up earlier should be released must fail as the evidence clearly shows that the mob was violent, persons in the mob were throwing stones on the train and the passengers and they were trying to come near the train shouting "Maar dalo kat dalo". The shouts raised by the mob clearly disclose its aggressiveness and intention to use force.

178. As the mob had then started throwing stones and was seen coming nearer, it was ordered to disperse. By that time about 6 policemen were injured by stones. Apprehending that there would be another attack on the train and the passengers, he had directed Police Constable Mansing to fire one round in the air. It did not

have any effect and, therefore, three more rounds were fired. He had again asked P.C. Mansing to fire one more round. Two rounds were fired by PSI Gadhvi from his Revolver. Firing in air did not have the desired effect and therefore, he had directed his man to fire at the persons in the mob below their waist. Two persons in the mob were injured. When the mob coming from the other side started throwing stones, one more shot was fired and it had hit one person. By that time RPF Commandant Mr. Pande had also arrived there. The RPF Commandant had also ordered his men to resort to firing. In reply to the questions put to him by the parties, this witness has stated that he had gone to the place where other officers were standing and had remained with them for about 7 minutes. At that time they were standing near the Signal Falia side .He was hit by one stone while going from the platform towards 'A' cabin. As the said injury was very small, he had ignored the same. Six constables were injured by stones thrown by the mob. Mr. Pande had reached almost at the same time when he had reached there. For the incident that had started at about 11-00 o'clock, F.I.R. No. 10 of 2002 was registered at about 10-00 p.m.. He had then taken over investigation of the same. Till he had crossed the culvert and gone near the officers, throwing of stones on the train had continued. He had seen some persons with weapons in that mob. Special I.G. Dipak Swarup had then told him to remain near that place as other officers were going in the town. The first information that he had received was to the effect that stones were being thrown on the Sabarmati Express train near Signal Falia. In all 11 persons were rounded up between 11-30 and 12-00 noon from the place between 'A' cabin and the 'nala'. He had gone inside coach S/6 at about 2-00 P.M. This witness was questioned about the position of the dead bodies in that coach and other actions which he had taken.

179. PI Mehbubbeg Mirza (W-19) had reached Godhra at about 11-15 a.m.. He was then PI, C.I.D. Crime at Vadodara. He had come to know about the incident at about 9-15 a.m. and left for Godhra at about 9-30 a.m.. in his jeep. In reply to the questions put to him during his examination before the Commission, he has stated that after he had reported to Dy.S.P. Simpi at about 11.20 he was told by the Dy. S.P. to make the passengers sit in the train. While he was doing so, a mob of about 2500 to 3000 persons had come from the Signal Falia side. Persons therein were shouting 'Chhod Do, Mar Dalo, Kat Dalo". They were also throwing stones. Therefore, Dy. S.P. Simpy and RPF Commandant had first given them warnings and then ordered firing. During that time, some persons were also caught by the police. When asked if he had heard announcements made from the masjid, this witness has stated that he had not heard any loud speaker announcement but had heard persons in mob shouting like that. He has stated that the mob which was seen coming from the Signal Falia side was trying to come near the train. When it was warned it was about 50 to 100 feet away from the train. About the shout 'Chhod Do' he has said that he had come to know later on that PSI Jhala had rounded up certain persons. The mob which he had seen near 'A' cabin was not one mob but it consisted of various mobs of about 40 to 50 persons each and they were standing at a distance of about 40 to 50 feet away from the track.. He has specifically stated that he had seen a mob coming and raising shouts and it was for that reason that his attention was drawn towards it. He had not noticed any person from the mob crossing the 'nala' as he was busy doing his own work. He has denied the suggestion made to him that he had not seen the mob or he had not heard the shouts raised by it. He has stated that his attention was drawn towards the mob as he had heard their shouts and therefore, he had looked into the direction from which they were coming. He has admitted that he had not stated before the police that he had heard the shouts raised by the mob and that the shouts raised by the mob were for releasing the apprehended persons. He has however denied that he had not seen the mob. The only challenge to his evidence

was that he had not seen any attack by a mob and what he had stated about the incident was on the basis of what was told to him by DSP Zala. If his presence near the train at about 11.20 a.m. is believed then it becomes difficult to believe that he had not seen any mob and the attack by it. The mob had not come silently and had come very near to the train. The police had to fire about 20 shots to prevent it from coming nearer.

180. DSP Raju Bhargav (W-31) has said that he had left the railway yard at about 10-30 a.m, as there was stone throwing near Nilam lodge in Godhra town. He had again gone back to the railway yard at about 12-00 noon after the Sabarmati Express train had left Godhra.

181. Spl. I.G. Dipak Swarup (W-1014) Police Commissioner of Vadodara, who had also rushed to Godhra, has stated that he had felt that because of this incident there was a possibility of big religious flare up and, therefore, he had thought it desirable that the train was re-arranged and allowed to go immediately there from. While those steps were being taken, there were incidents of violence in Godhra town and, therefore, he had told DSP Raju Bhargav to go and deal with them. While he was near 'A' cabin, twice there were incidents of stone throwing and police had to resort to firing. When he was trying to get the train re-arranged, about 3000 passengers were standing on one side of the train and there was a mob of about 300 persons on the other side. Pelting of stones was from the Signal Falia side. This witness has stated that as he was busy in re-arranging the train and wanted the passengers to reach their destinations safely, he had not paid much attention towards this attack. He has stated that as there were passengers on one side and a big excited mob on the other side which was pelting stones, he had felt that there was a possibility of big communal flare up and that was the reason that he was trying to see that the passengers were made to sit in the train and sent to their destinations. He had stated that as Godhra is within his jurisdiction, he had

gone to Godhra. He was not concerned with the investigation of the incident. He has also stated that he had apprehended a big communal fare up on the basis of what DSP Raju Bhargav had informed him by telephone.

182. Station Superintendent Katija, has stated that by about 10.00 o'clock, the Fire Brigade was able to douse the fire in coach S/6. It was then decided to remove the two burnt coaches from the train and allow the train to further proceed towards Vadodara. The shunting work had then started. At about that time two mobs had collected, one towards A cabin and Signal Falia and another towards Bhamaiya on the Yard side. Those Muslim mobs had then started throwing stones on the train and they were also raising shouts "Maro, Kato". His evidence further shows that the police had to resort to lathi charge, tear-gas and firing for the purpose of controlling the situation and dispersing the mob. At about 11.40 a.m. the two train coaches were taken to Line No.10 in the Yard and the train was made ready for departure at about 12.35 a.m. This witness had made notes on that very day about the incident in his Station Diary and had produced the same before the police when his statement was recorded. Witness was read over his statement before the police made on 1.3.2002 and he then stated that it was according to what he had stated to the police.

183. ASM Rajendraprasad Meena (W-3), who was on duty at 'A' cabin has also stated that at about 11-00 O'clock they had started shunting work to separate the two affected coaches and reassemble the train. While that work was going on a mob of about 500 to 700 persons had come from the engine side and from behind the bushes and those mobs had started throwing stones on the passengers. The mob had gone away after the police had lathi charged it and fired some shots for dispersing it. The statement of this witness was recorded by the Divisional Railway Manager on the same day and by the police on 1.3.2002. The statement given by him to the police was shown to him and he has stated that it was read

over to him by the police after recording the same. This witness had also made notes in his Charge Book. Those documents do corroborate what he has stated before the Commission.

184. Rajendraraao Jadav (W-4) the driver has also deposed about this incident and stated that while he was doing shunting work for the purpose of separating coach S/6, a mob had come from the cabin side and persons therein had started throwing stones on the passengers and police. The police had resorted to firing to disperse the mob. At about 12-20 p.m. he was able to separate the burnt coach and re-arrange the train.

185. District Collector Jayanti Ravi (W-50), has stated that she had gone where the burnt coaches were taken. That had taken some time as she had gone there walking. After returning from there, she had taken steps to see that the train left Godhra immediately. She had then reviewed the situation in Godhra town and given necessary instructions for bandobast, including imposition of curfew at 10.50 a.m. Sabarmati Express train had left Godhra at 12.40 p.m. Thereafter she had left that place. In reply to the questions put to her by Jan Sangharsh Manch she has said that dead bodies which could be identified were handed over to their relatives. It was decided to send other dead bodies to Ahmedabad as the destinations of those passengers was shown as Ahmedabad. She has stated that while she was near 'A' cabin, she had not seen Muslim mobs. She has also stated that while she was near A cabin she had not heard any announcement from a loud speaker or shouts like "Islam is in danger", or 'cut the Hindus'.

186. The Guard and TT have not said anything about this incident which took place at about 11.00 o'clock as they had gone away to the Station. The Guard had left the train and gone to the Station at about 8.25 a.m. and the TT Raniwal had also gone to the Station at about the same time.

187. Most of the witnesses who have referred to this incident of 11.00 o'clock are the railway officers. They are independent witnesses and what they have stated also receives corroboration from the contemporaneous documentary evidence referred to by the witnesses and produced before the Commission. These witnesses had no reason to tell a lie or cook up story which was not correct. They are responsible persons and it can be assumed that they knew seriousness of what they were saying before the Commission. In fact they had so stated much earlier before their officers also. The fact that the police had to resort to firing and large number of rounds were fired has not been disputed. An account has to be maintained regarding ammunitions referred by the police in the official record and if what the witness has stated in this behalf was not correct, they could have been confronted by such record. The other witnesses who have spoken about the incident are also high ranking officers or members of the police force who had taken part in controlling the situation. Most of them had rushed from Vadodara and had no concern with the local population. The Commission does not find any good reason for rejecting their evidence. It is of the view that the evidence given by these witnesses is quite reliable and deserves to be accepted. It clearly establishes that the attack by the mobs on the train between 11.00a.m. and 11.45 a.m. did take place as stated by the witnesses. Collector Jayanti Ravi had not remained standing at one place and she was moving from one place to another. Therefore she might not have seen the mob or heard the announcement. This incident though it had happened after burning of coach S/6 is relevant as it is connected with what happened earlier between 8.00 a.m. and 8.30 a.m.

188. Obviously the question as to what caused fire in coach S/6 shall have to be answered on the basis of evidence and not on mere probabilities and speculations. When there is evidence, it has to be appreciated and given due weight. Any conclusion drawn ignoring the evidence, would amount to speculation which has to be avoided if the right answer is to be found. On the basis of the evidence

which has been found by the Commission as reliable, the findings regarding the correct facts, cause of fire in coach S/6, and the act having been done in pursuance of a conspiracy hatched by some communalist Muslims of Godhra may now be stated.

189. The evidence establishes that Sabarmati Express train when it left Ayodhya, was running late and was heavily over-crowded because of the first batch of about 2000 Ramsevaks returning by that train from Ayodhya to Gujarat. Coach S/6 of the train was also over-crowded. There were more than 200 passengers therein. Most of them were Ramsevaks who had unauthorisedly occupied seats therein. Though the Ramsevaks/Karsevaks travelling by that train had raised slogans like ‘Jai Shri Ram’ etc. when travelling from Ayodhya to Godhra, the journey between those Stations was peaceful. There is no evidence indicative of any event or incident having taken place at any of the previous stations between those Ramsevaks and any Muslim, which could have prompted the Ghanchi Muslims of Signal Falia, to attack those Ramsevaks at Godhra.

190. During the train’s halt of five minutes at Godhra, some Karsevaks had a quarrel because of a dispute regarding payment for tea, with Siddiq Bakar, a Muslim tea vendor, who was standing on the platform near the book stall. He was also given some blows. Siraj, a rickshawwala, who was waiting on the platform near the water hut for getting passengers, was also beaten by some other Karsevaks. But there is no evidence to show why he was beaten. The third person to be assaulted by some other Karsevaks was Mohamed Latika, a tea vendor, who had refused to speak “Jai Shri Ram” alongwith them. He had escaped from there and run upto the end of the platform from where he had raised shouts facing Signal Falia that he was beaten. There is no reliable evidence on the basis of which it can be stated that there was an attempt by the Karsevaks to abduct Sofiabanu but there is evidence to show that a false rumour was spread by Salim

Panwala to that effect. That had led to throwing of stones at each other by some persons of the Signal Falia standing near the Station and the Karsevaks who were standing on the platform near the first 2 or 3 coaches next to the engine. The railway police had to intervene to stop them from doing so.

191. The evidence further establishes that soon after the train had started, after its halt of 5 minutes, there was chain pulling and the train had stopped after moving by about 60 to 80 meters. It had still remained on the platform. The chain was pulled from coaches Nos.83101, 5343, 9273 and 88238 and not from any other coach. By the time chain pulling was put right, there was again pelting of stones from the Signal Falia side on the front part of the train and this time also the police had to intervene to drive away persons who were throwing stones on the train. This fact is not in dispute. It further leads the Commission to the conclusion that Ajay Bariya's statement that Mohmed Latika had run on the platform upto Signal Falia and raised shouts that they were being beaten by the Karsevaks and Anwar Kalandar's statement that Salim Panwala had raised shouts that Karsevaks were forcibly taking away a Ghanchi Muslim girl in the train are true, as there was no other reason for those outsiders to behave in that manner, but for the shouts raised.

192. The Commission has also recorded a finding that chain pulling from all the four coaches was set right before the train had started again. That work was not left incomplete by the guard and the assistant driver. It is proved by the evidence of those two witnesses and the supporting evidence as stated above. It is also proved by the evidence of the passengers and TTE Raniwal that as soon as the train had left the platform a mob which had collected on the Signal Falia side i.e. on the left hand side of the train had started throwing stones on the train and that had continued while the train was proceeding towards A cabin. The evidence also establishes that the passengers had to close windows of their coaches which were

on the Signal Falia side. The guard and the TTE were also required to close windows of their compartment. The circumstance that all the windows of coach S/6 on the Signal Falia side were found closed, supports the evidence of the passengers and goes against the version that there was no mob and no attack on the train. If there was no mob and no attack by it on the train then there was no reason for the passengers and the guard to close the windows of their coaches. The train had taken about 3 to 4 minutes to reach near 'A' cabin. The evidence is that within about a minute's time small groups of persons were seen coming near the train. How could they have come near the train within such a short time if the persons forming those mobs had not collected earlier and run after the train. If they had rushed to that place out of curiosity as suggested, having seen the smoke then they could not have been there before 8.15 a.m., as smoke was first seen at about that time.

193 The witnesses have said so and the circumstances also suggest that the train had stopped near A cabin as a result of pulling of the alarm chain again. Those independent circumstances are already stated earlier. It had not stopped there because of any other reason. There is no material on the basis of which it can be said that the brake had continued to apply and the train was dragged upto 'A' cabin. The version suggested by the Jan Sangharsh Manch and others is more by way of speculation than a submission based upon some credible evidence.

194. Sabarmati Express train had stopped near A cabin is a fact not in dispute. That was at about 8.00 a.m. and that fact is even otherwise proved by reliable evidence. Except the discrepancy showing difference of 3 to 5 minutes, as regards the time when the train had arrived at Godhra and at what time it had started therefrom, which was because the fact that railway staff had noted the timings according to their own watches or clocks, there is nothing to doubt that the train had not reached near A cabin at about 8.00 a.m. with a margin of about 2 to 3

minutes on either side. Some confusion arising out of superficial reading of the report (Exh.63) dated 3.3.2002 sent by DSC (RPF)'s office Vadodara to the Director General, RPF, New Delhi as regards the time when fire had started in the coach has to be cleared. The date and time of report shown therein is "On 27.2.2002 at 7.55 hours". The description of crime is shown as "Burning of coach...." In that very report against the date and time of occurrence it is mentioned: "On 27.02.2002 in bet. 07.55 hrs. to 08.25 hrs." It is stated in the report that the train had reached at 7.55 hours. It does not state that the fire in coach S/6 had taken place at 7.55 hours. The report further states that the train was attacked with stones and that fact was reported by the RPF Post at Godhra to their office at Vadodara at 08.00 hours. The first report was regarding attack on the train with stones. Train had started sometime thereafter. In the report made by the same officer earlier on 27.2.2002 (Exh.62) he had stated that after the departure of the train at about 8.00 hours, the train was attacked. There is no other inconsistency in the evidence either oral or documentary as regards the time when the train had reached near A cabin and when the attack on it with stones had started. There is sufficient reliable evidence to show that smoke was seen coming out of coach S/6 sometime between 8.15 a.m. and 8.20 a.m. The fire brigade was informed at about 8.20 a.m. and it had reached near the train by 8.30 a.m. as stated by the fire brigade man Sureshgiri (W-30). Evidence of the DSP and the railway officers also proves that a little before 8.20 a.m. they were informed about the fire in coach S/6. Therefore, it would be incorrect to say that fire in coach S/6 had started at 07.55 hours.

195. There is plenty of evidence which has led the Commission to the conclusion that there was heavy pelting of the stones on the train while it had stopped near A cabin and that it had continued for about 10 to 15 minutes. The stones had broken shutters of many windows of coach S/6 on the Signal Falia side and some persons in the mob had also broken iron bars of the windows of that

coach by using force. During inspection of coach S/6 by the Commission, it was noticed that 13 windows out of 19 on the Signal Falia side were in damaged or broken condition. It is also proved by the evidence of the passengers and ASM Meena that through those open windows, burning rags and bottles filled with inflammable material were thrown inside the coach. They had fallen on the seats and other places and had caused fire and lot of smoke. The Commission is of the view that apart from some minor discrepancies, probably on account of the panicky situation in which the passengers were then placed, no serious infirmities are to be found in their evidence which would justify taking a different view than what they have said. Witness Minaxidevi (W-1008) had taken photographs of the coach S/6 soon after getting out of it. Two photographs produced by her during her evidence are reproduced below.





196. It is proved by the evidence that the attack on the train near 'A' cabin had continued for about 15 to 20 minutes. It had started sometime around 8.02 a.m. and that fact was conveyed to the Station Superintendent immediately. Then ASM Harimohan Meena had informed the P.S.O. of the railway police station. At 8.05 a.m. the District Police control was informed by the PSO and it had in its turn informed the Superintendent of Police and other police officers about the attack. The railway police control at Vadodara was also informed by about 8.10 a.m. Independently RPF men at Godhra had informed their officers at Vadodara about the attack by about 8.10 a.m.. By about 8.20 a.m. there was smoke and fire in coach S/6. Initially there was lot of smoke and after few minutes big flames were seen coming out of that coach. The fire brigade was informed at 8.20 a.m. The mob which had collected near the train on the Signal Falia side continued to throw stones on the train. It was not a crowd of onlookers who were looking quietly what was happening before their eyes. Some persons from the mob standing near Signal Falia had even tried to prevent the fire fighter from reaching near the train. The GRP policemen and RPF policemen who had rushed towards A cabin from

the station had to resort to lathi charge, lob teargas shells and fire some shots from their fire arms to control the situation.

197. What the passengers have stated also receives support from independent witnesses like persons of the RPF and the railway staff. Their evidence receives support from independent circumstances also. Their evidence that the train was attacked with stones after it had stopped near A cabin receives support not only from the evidence of the railway staff but also from the circumstance that the police and others who had gone near the train had all preferred to go from the yard side and nobody had gone near A cabin from the Signal Falia side. DSP Raju Bhargav had also done that. The Station Superintendent Katija had also gone from the right hand side of the train as he had felt that it was dangerous to go from the left side. This eloquent circumstance tells enough about the conduct and intention of the mob. The intention disclosed was to attack and harm the passengers. It shows that the conduct of the mob was frightening.

198. There is one more independent circumstance indicating that what the passengers have stated about the attack is true. All the passengers except Govindsinh Rajput (W-46) Army Subedar, Gayatriben (W-45), and Pooja had alighted from the train on the yard side and they were all found standing in the yard when others had reached there. Unless there was a compelling reason for the passengers to get out of the train in that manner only, they would have got out through the doors on both sides of the coaches. The fact that they all had got down on the yard side proves that they had not found it safe to get out on the signal Falia side. On these facts and circumstances the Commission comes to the conclusion that the version suggested by the Jan Sangharsh Manch and others that in reality there was no mob and no attack on the train is not worthy of any credence. What happened to Govindsinh Rajput, Gayatriben and Pooja as a result of getting out of the coach on the yard side is stated earlier and need not be repeated.

199. All these findings of the Commission are mainly based upon what has been stated on oath by the persons who were examined by the Commission. They were questioned by Jan Sangharsh Manch and other parties. What they have stated has received support from the documentary evidence and independent circumstances disclosed by the evidence. In view of this direct evidence, it is really futile to say that what is disclosed to have happened by this evidence might have happened in some other manner.

200. What is now to be considered is whether these facts are consistent with the State's version that coach S/6 was set on fire with petrol or with the version that the fire could have occurred accidentally because of short circuit or some other cause. The Central Government or the railways have not appeared and contended before the Commission that the fire in coach S/6 was because of an accident. The railway men present at the station and near A cabin have stated that the attack on the train and burning of coach S/6 was by a Muslim mob. That was their immediate version and they have said so before this Commission. The media as pointed out earlier had also reported that the train was first attacked with stones and then coach S/6 was set on fire. In 'Gujarat Samachar' and 'Times of India' it was stated that the coach was set ablaze with petrol. In Indian Express, it was stated that the coach was set on fire by pouring petrol and lobbing burning rags inside. Some passengers have also stated that it was set on fire with petrol. The media reports were based upon information obtained from the passengers and the railway men.

201. Taking some support from the report of the Forensic Science Laboratory, doubts were raised by some persons that the fire in coach S/6 might not have taken place in the manner stated by the passengers, local railway staff and the police but it could have broken out as a result of short circuit in that coach or because of inflammable liquid getting spilled from a primus. It was suggested that

it was quite likely that a passenger was cooking food or preparing something on a primus and for some reason that primus got over turned and that had led to the fire. It is a baseless assumption, more in the nature of imagination than a reasonable possibility. Lallakumar (W-1011) has stated that he had not noticed vessels for cooking food with any passenger around him. He has further stated that it was impossible to move in the train. Radheshyam Mishra (W-1013) has also stated that it had not happened that some body had ignited a kerosene stove in the coach and that he was cooking at the time of accident. He has further stated that it was impossible to do so. Virpal Chhedilal (W-1016) has also stated that the coach was so much over-crowded that it was very difficult to go to the latrine and it was not possible for any one in the coach to keep vessels for cooking at any place. There is no evidence whatsoever on the basis of which it can be suggested that such a thing could have happened. The evidence is that cooking in the coach on a primus was almost impossible and it only leads to an inference that nobody was cooking in the coach. All the passengers were not Karsevaks and if any karsevak was seen cooking in that manner, they would have certainly stated so to others and the police to whom they had given their statements.

202. Apart from the evidence of these witnesses, on the ground of probabilities also, chances of such a thing having happened are almost nil. Coach S/6 was attacked heavily. The attack with stones and other things had continued for about 10 to 15 minutes. The passengers in the compartment had to take steps to protect themselves. They were very much frightened and had to take shelter on the upper berths or below the seats or by standing at places which they had found safe. Even then many passengers were hit and injured by stones and other things hurled from outside. Evidence also shows that burning rags were thrown inside the coach. The shouts raised by the mob were fearful. It would be highly unreasonable to believe that in such circumstances, some passenger had thought it fit to continue cooking his food. It was almost impossible to do so in view of the over-crowding in the

coach. The co-passengers would not have allowed it. Even if it is assumed that some passenger had started cooking earlier, after the fearsome attack on the coach he would have stopped doing so. The train was standing. If it was a case of primus getting over turned for some reason and kerosene from it getting spilled on the floor of the coach, it would not have led to such a big and sudden fire in the coach leading to such a big casualty. It could not have caused that much damage to the floor of the coach. The Commission comes to the conclusion that in view of the proved facts and circumstances, fire having broken out in that manner, has to be ruled out even as a probable cause and the suggestion to that effect has to be discarded as mere speculation. It comes to the conclusion that the fire in coach S/6 was not caused because of such an incident.

203. A short circuit is another probability canvassed by the Jan Sangharsh Manch. No evidence has been led and no material has been produced before the Commission to show the possibility of short circuit having occurred in the coach. The reason given in support of this possibility is that there was smoke in the coach first and flames were seen after sometime. Not a single passenger of coach S/6 examined by the Commission was asked if anything like short-circuit had happened in the coach. During the inspection by the Commission in presence of advocates appearing for the parties it was noticed that the electric wires were in the upper parts of the coach. If there was a fire because of short circuit the passengers who were near that place, would have immediately come to know about it. In that case the passengers who were sitting on the lower seats would not have climbed up on the upper berths to protect themselves. On the contrary, those who were sitting on the upper berths would have immediately come down for saving themselves from fire and electric shock. The passengers would have left the coach immediately through all the four doors and so many persons would not have lost their lives. The fire caused by short-circuit would not have caused so much damage to the floor of the coach. Dr. Mohindersing Dahiya (PW-3) who

had examined the coach and has given an opinion about what could have caused the fire was not even asked if the fire in coach could have been caused by short-circuit. He was asked if some inflammable liquid contained in a vessel getting accidentally spilled in the coach could have caused the fire. Considering the damage caused to the floor of the coach he has denied such a possibility. When there is evidence indicating a definite cause, to say that fire in coach S/6 could have been caused by short-circuit, would amount to speculation. Appearance of smoke first and flames after some time does not necessarily indicate that the fire had happened because of a short circuit. Therefore, this contention raised by Jan Sangharsh Manch and others does not deserve any acceptance.

204. If the fire had occurred as a result of an accident, then in that case the passengers in coach S/6 would have got out of it through all the four doors of the coach. As a matter of fact all of them except three had got out of the coach on the yard side. If it was a case of an accidental fire, the windows of all the coaches on the left hand side would not have been found closed nor the windows of coach S/6 would have been found in broken condition. The accidental fire would not have led to such a high casualty or extensive damage to the coach. The persons who had gathered on the left hand side of the train, would have come there after seeing the fire. If they were merely on-lookers then they would have tried to help the passengers. The passengers would not have complained to the DSP and Station Superintendent who had immediately rushed to that place that they were attacked and the police was not taking effective steps. If it was really a case of accidental fire, passengers would have said so as they had no other reason not to tell the truth at that time. In view of the tragedy of such a serious magnitude it is highly unlikely that they thought of concocting a story at that time that they were attacked by a mob and some persons from the mob had set abaze and burnt the coach. The evidence shows that the vestibule between coach S/6 and S/7 was cut

and the door of coach S/6 connecting with S/7 was forcibly opened. If it was a case of an accidental fire then these two things would not have happened.

205. The fact of attack on the train as stated by the passengers is proved not only by the evidence of the passengers but also by the evidence of the railway staff and railway policemen and is further supported by contemporaneous documentary evidence, as recorded earlier while discussing the evidence on the point. The first message of attack with stones was conveyed by the railway men one or two minutes before 8-05 a.m. That was done independently of what the passengers had to say about it some time thereafter. The second message received by the station staff was to send more policemen near the train. The third message was again sent by ASM Meena from A cabin independently of what the passengers had to state about it sometime thereafter. The message was that the mob was setting on fire one coach. ASM Meena had not seen the persons actually setting the coach ablaze but inferred like that from what he had seen. The passengers had said the same thing independently to the railway men, with more details to DSP Raju Bhargav and others who had reached there within a short time.

206. It is proved by the consistent evidence of the passengers of coach S/6 that some of them had taken shelter on the upper berths and some had taken cover below the seats. How is this conduct of the passengers consistent with fire having started accidentally in the coach? If it was a case of accidental fire, as a result of something happening inside the coach, it is difficult to believe that the passengers facing such a problem would have climbed up on the upper berths or hide themselves below the lower seats. Instead of behaving in this manner, the passengers would have quietly and quickly left the coach. They would have stated the correct fact to the passengers of other coaches and the railway staff. There was no reason for them at that time not to tell the truth and give a different version.

The passengers were agitated and had told the DSP and the Collector that they were attacked and the police had not taken effective steps to protect them. If it was

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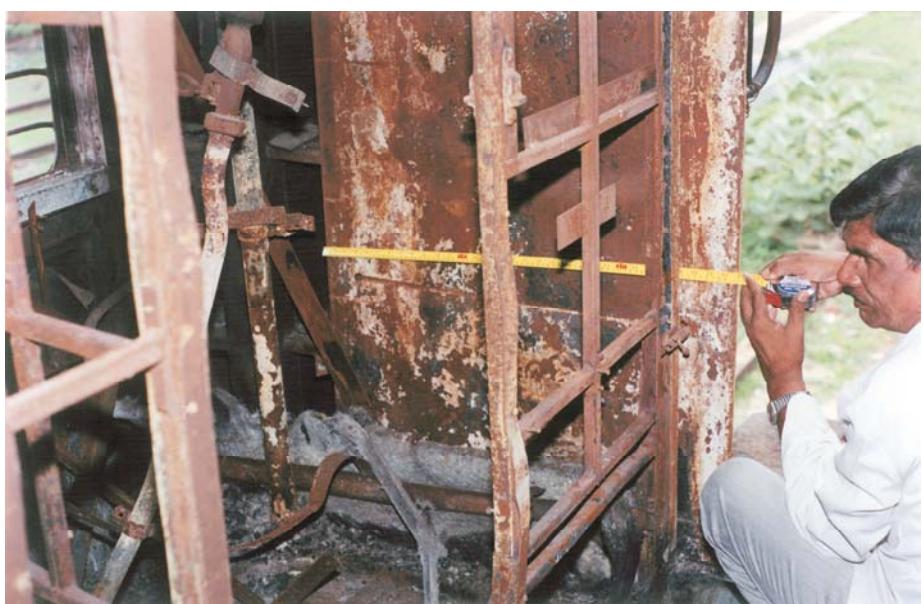
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209. Evidence of the passengers that something was thrown in the coach from the place in between the two latrines and near Seat No.72 receives independent

support from the evidence of Dr. Dahiya, (W-32) Additional Director of Forensic Science Laboratory. He had examined the coach on 1.5.2002 and submitted four reports (Ex.91, 92, 93, and 94) on the aspect on which police wanted the Laboratory's opinion. In the report Exh.91 he has stated that he and his team had seen many hit marks on the outer side of the coach on the Southern side and they appeared to have been caused by stones. He had found many stones inside the coach and had also seen pieces of glass. On the basis of his observation, he had come to the conclusion that the said coach was subjected to heavy attack with stones and that attack had broken some of its windows. From the pattern of burning inside the coach, its extent and severity and its effect on the floor of the coach it had appeared to him that more than 60 liters of highly inflammable liquid was used to cause that fire. He has also in his report Exh.94 stated that there were scratch marks and other marks on the sliding door in between coaches S/6 and S/7 and those marks indicated use of force in opening the door. He had also come to the conclusion that the door was open when there was big fire in the coach. He and his team had taken photographs at the time of examining the coach and some of the photographs are reproduced below. They show the damage that was caused by the fire to the floor of the coach and also the scratch mark on the sliding door leading to coach S/7.

















Dr. Dahiya has in clear terms ruled out the possibility of such a big fire having taken place on account of some inflammable liquid getting spilled from a small contain accidentally and catching fire. Considering the nature and extent of the damage caused by the fire he has stated that it could not have occurred unless inflammable liquid to the extent of more than 60 liters was used for that purpose. Questioning the competence of this witness as an expert, it was stated that he had not examined any coach of a train having caught fire prior to this incident. Though this witness had no prior occasion to examine any coach of a train, from his evidence it clearly appears that he has sufficient experience about fire in buildings and other confined places.

210. By putting some questions to this witness an attempt was made to show that `fire in coach S/6 was possibly a case of flash over and therefore, the intensity of fire was very high and that had caused severe damage to the coach. Dr. Dahiya has denied that this was a case of flash over. He has stated that such a phenomenon takes place only when the place is totally confined or small. The evidence of this witness together with the evidence of passengers rules out the

possibility of flash over. Though all the windows of coach S/6 were initially closed because of the attack on the train, most of the windows of that coach on Signal Falia side had become open because of the damage caused to them from outside. If there was no attack from outside, then the windows of that coach would have been open and not closed at the time of fire and the small fire caused inside the coach because of burning of inflammable liquid or a short circuit would not have led to the phenomenon of flash-over. As disclosed by the evidence, through the windows which had thus become open, missiles like oil filled rags and some pouches and bottles containing inflammable liquid had fallen inside the coach. The fire and smoke which were caused as a result thereof had made the passengers open the windows of the coach on the Yard side. Thus, before there was a big fire in that coach, many windows had become open and the coach had ceased to be a confined place. There was no scope for flash-over taking place in coach S/6. The suggestion of possibility of flash-over in coach S/6 is more a speculation than a genuine possibility in view of the evidence on record and the actual position of the coach S/6 at the time of fire. It was not even suggested to Shri Mohindersing that the fire in coach S/6 could have been caused by short circuit and whether it could have led to such a big fire in the coach. The material on record indicates that wiring in the coach was on the upper side of the coach.

211. On the basis of the observation made by Dr. Dahiya in his report that as the windows of coach S/6 were 7 ft. above the ground level, no person standing outside on the ground could have poured about 60 liters of liquid into the coach from outside and the evidence of the witnesses that because of the attack all the windows and the doors of the coach on the Signal Falia side were closed, a point has been raised that the evidence of the witnesses that coach S/6 was set on fire by throwing petrol into the coach does not appear to be true. Though it is true that the passengers had closed all the windows of the coach on the Signal Falia side, those windows had become open because of the attack. The witnesses have not said that

all the petrol which had set the coach on fire was thrown into the coach from outside. What they have said is that an attempt was made to pour petrol inside the coach through the open windows. Dr. Dahiya's evidence does not rule out the possibility of some petrol having been poured into the coach from outside. What the evidence discloses is that when the fire in the coach had caused smoke in the coach some persons from outside had forcibly opened the interconnecting door between coach S/6 and S/7. At that time something had fallen in the coach and the sound created by it had led the passengers to infer that a big bottle or carboy filled with some liquid had fallen in the coach. Dr. Dahiya's evidence also establishes that large quantity of highly inflammable liquid was thrown inside the coach through a place between two latrines. Thus, from the evidence of the witnesses and the report of Dr. Dahiya, it would be reasonable to conclude that some persons had entered into coach through the doors and poured petrol therein by standing near the two latrines near seat No.72. It would therefore, be not correct to say that in view of the report of the Forensic Science Laboratory, the version of the passengers that some persons in the mob had set the coach S/6 on fire by pouring petrol into it is not true.

212. On the basis of the evidence and for the reasons stated above the Commission comes to the conclusion that burning rags and other things which were thrown inside the coach had caused fire and smoke inside the coach. Some persons had thereafter forcibly opened the interconnecting door towards coach S/7 and about 60 liters of highly inflammable liquid material was then thrown inside the coach. Immediately thereafter there was a big fire in the coach which consumed lives of 59 passengers and caused injuries to many others. According to the evidence of the passengers, the burning rags and the things which were thrown inside the coach had caused the smoke. Obviously, there could not have been smoke without fire. Along with the burning rags and other things inside the coach had also started burning other things. If the smoke was as a result of short

circuit or spilling of small quantity of kerosene, then there would not have been such a big fire in the coach. Inspite of lengthy questioning of Dr. Dahiya, nothing has been brought out in his evidence which would create any doubt regarding his opinion that the fire in coach S/6 was caused by inflammable liquid and that about 60 liters of liquid was used for causing that fire. The petrol which had fallen on the floor had caused severe damage to the floor of that coach. The extent of damage can be seen from the photographs which have been reproduced earlier. It had caused a big hole in the floor of that coach in the space between the two doors through which the ground below could be seen. It had made some more holes also which were very deep. Considering the extent and pattern of the damage caused to the floor which was also noticed by the Commission it is inclined to agree with the opinion of Dr. Dahiya that fire in the coach was caused by some inflammable liquid thrown on its floor.

213. The Commission has come to the conclusion that the fire in coach S/6 was not caused by an accident, but the coach was set on fire by throwing petrol in it. What is required to be considered next is the aspect of conspiracy. The Commission has, on the basis of the evidence found reliable, that sometime before the Sabarmati Express train was to start from Godhra railway station a false rumour was spread in the Signal Falia locality that a Ghanchi Muslim girl was being forcibly taken away in that train, for inducing many persons of that locality to come near the train and attack it. After the train had left the platform, it was stopped at the desired place by pulling its chain. While a big mob was attacking the train with stones near A cabin, some persons had made coach S/6 as their target of attack. Its windows on the Signal Falia side were broken and through those windows burning rags and pouches containing inflammable material were thrown inside the coach. That had led to fire and smoke in coach S/6. By spreading a false rumour, conspirators had managed to collect large number of

persons near the train thereby making it difficult for others to identify who were the persons who had set the coach on fire. There was selection of the place where the train was to be stopped. That place was not far from the Station and the Signal Falia. Otherwise, it would have made it difficult to collect so many persons near the train. The train was stopped at a place where it was easier for the conspirators to carry petrol. It was within the yard where the movement of the public was less. All these circumstances indicate that what was to be done was planned in advance. The incidents which had happened earlier at the Station were not such as would have led the general public to commit such a ghastly act and that rules out the possibility of burning coah S/6 as a retaliatory act to what had happened earlier at the Station.

214. During investigation of the Godhra incident, statements and confessions of many persons were recorded. As stated by Dy.S.P. Noel Parmar (W-1000) on the basis of those statements and confessions, he had felt that the Godhra incident was pre-planned and was a part of a bigger conspiracy, which was hatched earlier by Nannumiya, Maulvi Umarji, Rajak Kurkur, Salim alias Salimyusuf Sattar Jarda and Salim Panwala and others. Those statements and confessions disclose that on his visits to Godhra, Nannumiya used to go to Aman Guest House many times. When he had last visited Aman Guest House he had told Rajak Kurkur and others how Muslim organizations in Kashmir were fighting with the Administration and others. Rajak Kurkur and others were thus instigated to do something of the kind at Godhra. In pursuance thereof it was decided by them and others to set on fire one coach of Sabarmati Express train carrying Ramsevaks. As a part of that conspiracy, on the night of 26.2.2002, Rajak Kurkur, Salim alias Salimyusuf Sattar jarda and Jabir Behra, Salim Panwala and Shaukat Lalu had decided to procure petrol. Siraj Bala, Salim Panwala, Salim Jarda, Jabir Behra, Shaukat Lalu and some other persons had then gone in a parrot green coloured ‘tempy rockshaw’ (small delivery van) to the petrol pump of Kalabhai at about 9.30 p.m,

followed by Rajak Kurkur and obtained petrol in 7 or 8 carboys of 20 litres each. They had then returned to Aman Guest House where the carboys were removed from the tempy and put inside the guest house. When they were standing near Pan galla of Rajak Kurkur, two leaders of their community Bilal Haji and Faruk Bhana had come there and told them that they had met Maulvi Husain Haji Ibrahim Umarji and the Maulvi had told them to set on fire coach No.6 of Sabarmati Express train. It was decided to meet again at 6.00 o'clock in the morning as the train was running late. Salim Jarda who did not want to associate with such a bad act was given two slaps and threatened that if he told anything about their plan to anyone, he would be killed. Rajak Kurkur had then asked him to go inside a room and sleep there. At about 7.30 a.m. Rajak Kurkur had told Jabir Behera, Irphan Patalia, Irphan Bhodha and Shaukat Lalu to take out the carboys from the room and put them in the tempy and go near 'A' cabin. Jabir's brother Ramzani had driven the tempy. Mahebub Latiko and Shaukat Lalu had sat with him. On the back side of the tempy, there were Jabir Behra, Irfan Patalia, Irfan Bhabha, Rafik Bhatuk and one Hindu boy. Salim Panwala had followed them on his vehicle. Rajak Kurkur who had gone with Salim had carried a petrol filled carboy with him. The false rumour spread earlier by Salim Panwala had led many Ghanchi Muslims to collect near 'A' cabin and attack the train. The conspirators had then gone near coach S/6 with the kerbas. Mohmed Latika had cut open canvass of the adjoining coach S/7 and through that opening he and Jabir had climbed on that coach with two carboys with them. The connecting door of S/6 was then forcibly opened. After entering into the coach, some one had opened the door of S/6 on the 'A' cabin side. From that door, Irfan and other persons carrying caboys had entered into the coach. All of them had then thrown the carboys carried by them in the coach by standing near the latrines and Seat No.1 fire, they would not have complained like that. This circumstance together with the conduct of the passengers provides an independent corroboration to their evidence that by pelting

qtones and using force dhe ho{tile mgb had broken the win`ows on the left side of

their coach and through those open windows, stones, burning rags and other articles were thrown inside the coach by the persons (who were in the mob and they were required to take steps to protect themselves. Seeing the fire and the smoke, they would have got out on the signal Faria also.

007. If people of the nearby localities had rushed to that place on seeing fire in the trail, their behaviour would not have been such as to frighten the passengers, the Guard, the TTE and the two Assistant Station Masters who were on duty at A cabin. Their presence near the train would not have prompted ASM Meera to call for more police help. They would not have raised shouts and done acts which were fearful. The (police) would not have been required to use force and fire shot. For this reason also the probability of fire in coach S-6 having broken out accidentally has to be ruled out.

208. It is true that no passenger said that he had seen anybody entering the coach with a Carboli or some container filled with petrol and throwing it inside the

coach. What they have said is th`t initally burning rags and b<sup>l</sup> ttles and pouches

filmed with imflammable0liquid were thrjwn inside the coak` thrgugh the broken windows. Some of them had fallen on the floor and some had fallen on the seats. The burning rags would have sur<sup>el</sup>y started burning other things with which they had come into contact. The seats were of rexine !nd therefore the burning bags

that had fallen on the seats must have made them burn and cause smoke. All

phat(must have caused lot of confushon amongst the passengers of coach S/6 and that is pzobably the reason why there is no cleqr and complete evidence regarding how a<sup>nd</sup> within how much time, there\$was0qo much smoke in txe coach. The cmoke had cuased breathon there or in any other part of Gujarat. Thus there was no reason for the alleged conspirators to hatch a conspiracy of the type alleged by the State. Prior to 27-2-2002, three groups of Karsevaks had gone to Ayodhya by Sabarmati Express train and these trains had crossed the town of Godhra during nights. Yet no attempt was made to harm anyone of those Karsevaks.

218. It was submitted that the version of the Government regarding purchase of 140 litres of petrol on the night of 26-2-2002 is also very doubtful in view of the fact that the alleged conspirators did not know that the Karsevaks were to come by Sabarmati Express train passing through Godhra on 27-2-2002. If the Karsevaks were to be attacked then it was not necessary for them to wait till 27-2-2002 morning as a batch of Karsevaks had passed through Godhra on the night of 26<sup>th</sup> February, 2002 for going to Ayodhya by Sabarmati Express train. There is no evidence to show that there was any suspicious movement at or near Godhra railway station or in the railway yard. The train was running late by 5 hours. Instead of arriving at Godhra at 2-55 a.m. it had arrived at 7-43 a.m. If the conspiracy was to attack the Karsevaks in darkness so as to avoid identity of the conspirators or the persons executing the conspiracy, as alleged, then it is highly unlikely that the conspirators would have thought of executing the conspiracy in the morning of 27<sup>th</sup> February, 2002 for the fear of getting identified in day light. There is no evidence to show that the alleged conspirators had any reason to attack the Karsevaks who were travelling on that day by coach S/6. There is also no evidence to show who had pulled the chain and how it was pulled. The version of the Government that the chain was pulled from outside is also false in view of the new mechanism of the emergency chain. Though not impossible, it has now become very difficult to pull the chain from outside the coach. The version of

Government that soon after the train started the emergency chain was pulled by the alleged conspirators in execution of the conspiracy stands disproved by the evidence of the Guard and witness Minaxidevi who have clearly stated that the first time chain was pulled as some passengers were left behind on the platform when the train had started. Their evidence clearly falsifies the allegation that the first chain pulling was done by Ilias and others. The evidence further shows that the Karsevaks who had a quarrel with a tea vendor on the platform had also misbehaved with two other Muslim vendors. An attempt was also made by some Karsevaks to forcibly take a Muslim girl in train by pulling her hand. It was, therefore, submitted that if at all the Sabarmati Express train was attacked, as alleged, it was because of the incidents which had happened while the train was on the platform and not because of any conspiracy hatched earlier.

219. It was also submitted that the train had stopped near 'A' cabin, not because of chain pulling but because the earlier chain pulling was not set right completely. The train was actually dragged up to a distance of about 3/4<sup>th</sup> of a Kilometre and it had stopped thereafter because it could not be taken further.

220. It was also submitted that Rajendraprasad Meena, Assistant Station Master who was at 'A' cabin has stated that he had not seen any suspicious movement near 'A' cabin. He was standing at the window of his cabin which is at the height of about 15 feet and his attention was towards the train as he was expected to give 'all right' signal to the driver. If the chain was pulled from outside by 3 or 4 persons and then they had run away, then that would have been noticed by this witness. So also if a mob had run along with the train then this witness would have seen it. These circumstances also suggest that the version of the Government that the chain was pulled from outside in pursuance of the conspiracy is not true.

221. Conspiracies are ordinarily hatched in secrecy and it may not become known when and why the conspirators had decided to do a particular thing and what was the object in doing so, unless a party to the conspiracy discloses that. However, facts and circumstances established by evidence may reveal a conspiracy and provide basis for drawing an inference about the object of the conspiracy. As stated earlier the facts which are established by the evidence of witnesses examined before the Commission are : (i) While Sabarmati Express train was still on the platform, some persons standing outside the Station near Signal Falia had pelted stones on the front coaches of the train which were exposed to the Signal Falia; (ii) After the train had started from the station, persons from the Signal Falia had chased the train and attacked it with stones; (iii) By pulling the alarm chain, the train was made to stop in the yard near A cabin; (iv) A big mob consisting of persons who had come from Signal Falia side had then attacked the train heavily with stones and had also raised shouts - 'Maro, Kapo, Jalado" etc.; (v) Some persons in the mob had made coach S/6 the target of the attack and broken almost all the windows of the coach on the Signal Falia side; (vi) Through those open windows stones, burning rags and pouches filled with inflammable liquid were thrown inside the coach; (vii) Those burning rags had caused smoke and fire in the coach; (viii) The sliding door of coach S/6 connecting it with coach S/7 was forcibly opened from outside and (ix) Something was thrown in the coach which had thereafter immediately led to a big fire. Apart from these facts, the circumstances which are proved by the evidence are : (i) Windows of all the coaches on the Signal Falia side were found closed; (ii) Marks caused by stones hitting the coaches could be seen on coaches S/5 and S/6 which are kept in the yard; (iii) within about two minutes after the train had stopped near A cabin, the railway staff had called for police help near the train; (iv) The policeman at the station had to rush to the place where the train was standing and resort to firing for dispersing the mob and (v) All the passengers were found

standing on the yard side. Even the railway staff and the DSP Raju Bhargav had gone there by the right side of the train. The Expert's evidence further establishes that : (i) The Sliding door between S/6 and S/7 appeared to have been forcibly opened as there were marks of violence on the outer side of the door and there was a scratch mark on inner side of the door; (ii) The door was behind the wall of the latrines when the fire had broken out; (iii) pouring of about 60 Litres of highly inflammable liquid on the floor of the coach and (iv) The inflammable material used was petrol.

222. Moreover, there are some statements of witnesses who could not be examined on oath by the Commission. They also disclose certain facts relating to the conspiracy. Riyazuddin was an employee of Abdul Razak Kurkur, the owner of Aman Guest House and was doing the work of making entries in the guest register of that guest house. His statement made to the police discloses that he knew Nannumiya who belonged to Assam and was then resididng at Rampura in U.P. Nannumiya was earlier a constable in CRPF and was dismissed from service. Nannumiya used to meet Irphan Siraj Pado, Jabir Binyamin Behra, Imran Ahmad Bhatuk alias Sheru, Kasim Abdul Sattar alias Kasim Biryani,, Hasan Ahmad Charkha alias Lalu, and others to tell them how the terrorist in Kashmir were carrying on Jehad. He also used to tell them how weapons like rifles could be used and bombs could be prepared and thus instigate them. As stated by him, Nannumiya was in Godhra from 5.2.2002 to 20.2.2002. One Gulamnabi and Alimohmad of Anantnag had come to Godhra during those days and had met Razak Kurkur. On 26.2.2002, while leaving for home at about mid-night when he was checking whether all rooms of the Aman Gust House were properly closed or not, he had seen Imran Sheru, Hasan Charkha, Jabir Behra, Maheboob Khalid and some other persons taking out kerbas from one parrot green coloured tempy and putting them in the room of Abdul Razak Kurkur.

223. Ajay Bariya in his statements recorded by the police on 4.7.2002 and J.M.F.C. Godhra on 9.7.2002 has stated that on 27-2-2002, he had gone to Godhra railway station at about 7.00 a.m. After referring to the incident of Mohmad Latika, he has stated that after the chain was pulled and the train had stopped, he had gone out of the station. Shaukat Lalu had met him there and told him to run alongwith them. So he had gone with them to the back side of Aman Guest House. Shaukat and others had then gone inside the room of Razak Kurkur and come out with Kerbas. He was asked to put one Kerba in the rickshaw which was standing nearby. Petrol like smell was coming from it. Thereafter others had also come there with Kerbas and they were all kept in the tempy. All of them had then got into that vehicle which after passing through Bhamaiya nala and Ali Masjid had stood near the railway track near 'A' cabin. Each one of them was asked by Shaukat Lalu to carry one Kerba with him. At that time he had come to know that the train was to be set on fire. They had run towards the train through the foot track. He himself was reluctant go with those persons but Shaukat Lalu had compelled him to go along with them. He has then described in his statement how the coaches were attacked and coach S/6 was set on fire. According to him, Shaukat Lalu and Mohmad Latika had forcibly opened the sliding door of S/6 leading to coach S/7 and entered coach S/6 through that door. Hasan Lalu had thrown a burning rag which had led to the fire in S/6.

224. It is rightly pointed out by the Jan Sangharsh Manch that there was no prior information with the polie and the authorities at Gandhinagar regarding the return journey of the Karsevaks from Ayodhya as can be gathered from the evidence of Mahobatsinh Zala (W-17), Raju Bhargav (W-31), DGP K.A. Chakravarti, Addl. DGP R.B. Shreekumar (W-995) and Ashok Narayanan, Chief Secretary, Home Department (W-994). Under the circumstances prevailing then, movements of Karsevaks was not a matter of concern. That appears to be the reason, why the police had not thought it necessary to keep itself informed about

their movements. Merely because the police was not aware about the return journey of Karsevaks from Ayodhya, it would not follow therefrom that no one had known about their return journey from Ayodhya. Anyone who wanted to know about it could have obtained that information easily. Therefore, it would not be correct to say that there was no scope for any conspiracy, as the alleged conspirators did not know that Karsevaks were going to return from Ayodhya by that train. VHP had already announced earlier its plan of taking Ramsevaks to Ayodhya for the 'Purnahuti Maha Yagna'.

225. It is also true that some other train carrying Karsevaks going to Ayodhya had passed through Godhra railway station and the conspirators could have attacked them in pursuance of the object of the conspiracy to burn a coach carrying Ramsevaks and it was not necessary for them to wait till the morning of 27<sup>th</sup> February, 2002. Other possibilities cannot make doubtful what really has happened. Why the conspirators chose the Sabarmati Express train coming from Ayodhya and why coach S/6 thereof was made the target, was obviously the result of many factors, including what was desired by and suitable to the conspirators. Unless the conspirators who took that decision disclose the real reason, it would be a matter of drawing an inference from the surrounding facts and circumstances. It appears that the decision to put the plan into action was taken on the previous evening. On 26.2.2002 at about 9.30 p.m. the first step for procuring petrol was taken. It is likely that the conspirators had decided to burn a coach of this train as it used to pass Godhra during the night. That would have enabled them to carry out their object without being noticed and identified. It appears that because the train was running late, they had to make some changes in their plan and circulate a false rumour regarding abduction of a Ghanchi Muslim girl. That was done in order to collect large number of persons near the train and induce them to attack it, so that they get sufficient time to go near the train with petrol. It was also an

attempt to show that what happened was done by an angry mob because of the earlier incidents which had taken place at the station. The mob consisting of the general public would not have set coach S/6 on fire on the basis of the false rumour as their attempt in that case would have been to stop the train, search for the abducted girl and rescue her.

226. Ranjitsinh Jodhabhai Patel and Prabhatsnh Gulabsinh Patel serving at Kalabhai's petrol pump were present at the petrol pump on 26.2.2002 at about 10.00 p.m. Both of them have stated that at about that time Rajak Kurkur and Salim Panwala had come there and told Prabhatsinh to give them about 140 litres of petrol. Petrol was filled in the carboys which were brought in a tempy rickshaw. Prabhatsinh has further stated that Jabir Binyamin, Shaukat Lalu and Salim Jarda had come in the tempy. Both these witnesses have explained in their statements why they had earlier told the police that they had not given loose petrol to any one in a carboy on 26.2.2002.

227. On the basis of the facts and circumstances proved by the evidence the Commission comes to the conclusion that burning of coach S/6 was a pre-planned act. In other words there was a conspiracy to burn coach S/6 of the Sabarmati Express train coming from Ayodhya and to cause harm to the Karsevaks travelling in that coach.

228. The confessions of Jabir Binyamin Behra, Shaukat alias Bhano son of Faruk Abdul Sattar and Salim alias Salman son of Yusuf Sattar Jarda have also been placed before the Commission for its consideration. Jabir Behra had made a confession before the Chief Judicial Magistrate, Panchmahal District under section 164 of Cr.P.C. The confessions of Shaukat and Salim were recorded under the provisions of Prevention of Terrorism Act, 2002. It was contended by the Jan

Sanghars Manch that the Commission should not consider the confessions of the accused as the findings that may be recorded by this Commission are likely to cause prejudice to the accused in the trial which is pending before the Sessions Court. This objection was raised at an earlier stage of inquiry and it was rejected by passing an order. A Commission of Inquiry appointed under the Commission of Inquiry Act is only for the purpose of making an inquiry into a definite matter of public importance. It is neither a judicial inquiry nor a quasi judicial inquiry. The Commission has to make an inquiry and submit its report to the appropriate Government for taking further action. Though the Commission is given certain powers of the civil Court for certain purposes, the proceeding before it does not become a judicial proceeding. Even though under sub section (5) of section 5 of the Commission of Inquiry Act, the proceedings before the Commission are deemed to be judicial proceedings for certain purposes, they are not to be treated as judicial proceedings for other purposes. Under the Act the Commission can obtain information from any person and can cause an investigation to be made by any officer or investigating agency of the appropriate Government and can utilize such information for recording its conclusion. The only requirement in that behalf is that the Commission should satisfy itself about the correctness of the facts regarding the information obtained and correctness of the facts and the conclusion arrived at in the investigation report. The Commission can record statements of the persons by way of evidence but those statements cannot be used in any civil or criminal proceeding except for prosecuting a person making the statement if it is found to be false. The nature of the inquiry being thus quite different from a judicial proceeding we see no reason why the Commission should not take into consideration such confessions. The inquiry before by the Commission is a fact finding inquiry and therefore, the Commission can look into and consider any piece of evidence for finding out the correct facts provided it is satisfied about its correctness.

229. Jabir Behra in his confession dated 5.2.2003 has stated that he had gone with Salim Panwala to the petrol pump of Kalabhai for bringing petrol. Though the carboys filled with petrol were kept in the guest house of Rajak Kurkur. Salim Panwala had then gone to the Station to inquire whether the train was on time or was running late. Returning there from he had informed them that the train was running late by about 4 hours. Therefore, he had gone to home. He had again gone back to Aman Guest House at about 6.00 o'clock in the morning of 27<sup>th</sup> Along with Salim Panwala, Shaukat Lalu and others he had gone in the tempy along with carboys to a place near 'A' cabin. He has further stated that Mohamed Latika had cut the vestibule between coach S/6 and S/7 and entered the coach through that opening and he had also followed him. Both of them had then together by force opened the door of coach S/6. They had gone inside with two carboys. Shaukat Lalu had followed them and opened the door of coach on A cabin side. Through that door Imran Sheri, Rafik Batuk and Shaukat Lalu had come inside the coach with more carboys. Those carboys were thrown in the coach and immediately thereafter there was a fire in the coach. Shaukat Lalu has also in his confession dated 19.8.2003 given these details. Salim Jarda in his confession dated 20.06.2004 has also stated that he had accompanied Salim Panwala, Siraj Bala, Jabir and Shaukat Lalu while going to the petrol pump of Kalabhai at about 9.30 p.m. for procuring petrol. He has also referred to the message sent by the Maulvi Saheb. Since he was reluctant to take any further part in such a bad act Rajak Kurkur had not allowed him to go. He was forced to stay in one room of the Guest House. He has then stated that next day morning he, along with Jabir Behra, Irfan, Shaukat Lalu and others had put the petrol filled carboys in the tempy and gone near A cabin. Rajak Kurkur and Salim Panwala had also followed them. He had thereafter not taken any part in the attack on the train and had remained standing at some distance. All these three persons have retracted their

confessions but that by itself is not a good ground for throwing them out of consideration. When considered along with other facts proved by the evidence details given by this accused regarding the manner in which coach S/6 was burnt appear to be true. These confessions disclose that Rajak Kurkur and Salim Panwala were the two main persons who had organized execution of the plan and that what was being done was according to what was planned earlier and the directions of Maulvi Umarji. All the acts like procuring petrol, circulating false rumour, stopping the train and entering in coach S/6 were in pursuance of the object of the conspiracy. The conspiracy hatched by these persons further appears to be a part of a larger conspiracy to create terror and destabilise the Administration.

229. The Commission is required to consider the role and conduct of the then Chief Minister and/or any other Minister(s) in his Council of Ministers, Police Officers other individuals and organizations in the Godhra incident. The Commission is also required to consider the role and conduct of the then Chief Minister and/or any other Minister(s) in his Council of Ministers, Police Officers (i) in dealing with any political or non-political organization which may be found to have been involved in the Godhra incident and also (ii) in the matter of providing protection, relief and rehabilitation to the victims of communal riots and (iii) in the matter of recommendations and directions given by National Human Rights Commission from time to time. There is absolutely no evidence to show that either the Chief Minister and/or any other Minister(s) in his Council of Ministers or Police offices had played any role in the Godhra incident or that there was any lapse on their part in the matter of providing protection, relief and rehabilitation to the victims of communal riots or in the matter of not complying with the recommendations and directions given by National Human Rights Commission. There is no evidence regarding involvement of any definite religious

or political organization in the conspiracy. Some individuals who had participated in the conspiracy appear to be involved in the heinous act of setting coach S/6 on fire.

230. The policemen who were assigned the duty of travelling in the Sabarmati Express train from Dahod to Ahmedabad had not done so and for this negligent act of their an inquiry was held by the Government and they have been dismissed from service.

Ahmedabad.  
September 18, 2008

(G.T. Nanavati)  
Chairman

(Akshay H. Mehta)  
Member

## **ANNEXURES**

**Annexure-I**

**Notifications dt.6.3.02, 21.5.02, 3.6.02 & 20.7.04 (Collectively).**

**NOTIFICATION**  
**Legal Department,**  
**Sachivalaya, Gandhinagar.**  
**Dated the 6<sup>th</sup> March, 2002.**

**No.GK/07/2002-COI/102002/797-D:**

**Commission of Inquiry Act, 1952.**

**WHEREAS** the incident of setting on fire of the Sabarmati Express train near Godhra Railway Station on 27<sup>th</sup> February, 2002, wherein 58 persons were burnt alive and more than 40 persons were injured and in subsequent violence in various parts of the State of Gujarat, many persons lost their lives and several others were injured.

**AND WHEREAS** the Government of Gujarat is of the opinion that an inquiry should be held into this matter of definite public importance.

**NOW, THEREFORE**, in exercise of the powers conferred by Section 3 of the Commission of Inquiry Act, 1952 (60 of 1952), the Government of Gujarat hereby appoints a Commission of Inquiry consisting of Mr. Justice K.G. Shah, retired Judge of the High Court of Gujarat, to inquire into and report on and respect of the aforesaid matter.

**2. The following shall be the terms of reference of the said Commission namely:-**

- (1) **To inquire into –**
  - (a) the facts, circumstances and the course of events of the incidents that led to setting on fire some coaches of the Sabarmati Express train on 27.2.2002 near Godhra Railway Station;
  - (b) the facts, circumstances and the course of events of the subsequent incidents of violence in the State in the aftermath of the Godhra incident, and
  - (c) the adequacy of administrative measures taken to prevent and deal with disturbances in Godhra and subsequent disturbances in the State.
- (2) **To ascertain as to whether the incident at Godhra was a pre-planned and whether information was available with the agencies which could have been used to prevent the incident;**

- (3) To recommend suitable measures to prevent recurrence of such incidents in future;
3. The Commission should complete its inquiry and submit its report to the State Government within three months.
4. WHEREAS, the Government of Gujarat is also of the opinion that having regard to the nature of the inquiry to be made by the Commission and other circumstances of the case, that the provisions of sub-sections (2) to (5) of section 5 of the Commission of Inquiry Act, 1952 (60 of 1952), should be made applicable to the Commission hereby appointed. The Government of Gujarat in exercise of the powers conferred by sub-section (1) of the said section-5 hereby directs that all the provisions of the said sub-sections (2) to (5) shall apply to the said Commission.

By order and in the name of Governor of Gujarat.

Sd/- 6.3.2002 illegible  
(O.L. PANDEY)  
Deputy Secretary to the Government

**NOTIFICATION**  
**Legal Department,**  
**Sachivalaya, Gandhinagar.**  
**Dated the 21<sup>st</sup> May, 2002.**

**No.GK/15/2002-COI/102002/797-D:**

**Commission of Inquiry Act, 1952.**

**WHEREAS** the State Government has under Government Notification, Legal Department No.GK/07/2002-COI/102002/797-D dated 6<sup>th</sup> March, 2002 appointed a Commission of Inquiry under section 3 of the Commission of Inquiry Act, 1952 (60 of 1952) to inquire into incident of setting on fire some coaches of the Sabarmati Express train near Godhra Railway Station on 27<sup>th</sup> February, 2002 and subsequent incidents of violence in the State in the aftermath of the Godhra incident.

**AND, WHEREAS**, the Government of Gujarat is of the opinion that it is necessary to constitute the said Commission in public interest;

**AND WHEREAS** the Government of Gujarat has decided to appoint Mr. Justice G.T. Nanavati, Retired Judge of the Supreme Court of India as the Chairman of the said Commission;

**NOW THEREFORE**, in exercise of the powers conferred by section 3 of the Commission of Inquiry Act, 1952 (60 of 1952), the Government of Gujarat hereby amends the said notification for the aforesaid purpose, as follows namely:-

In the said notification in the preamble, in sub paragraph three, for the words “Mr. Justice K.G. Shah, retired Judge of the High Court of Gujarat, the following shall be substituted, namely:-

“Mr. Justice G.T. Nanavati, retired Judge of the Supreme court of India as Chairman and Mr. Justice K.G. Shah, retired Judge of the High Court of India as Member.”

**By order and in the name of Governor of Gujarat.**

Sd/- 21.5 illegible  
(V.M. Nayak)  
Deputy Secretary to the Government

**NOTIFICATION  
Legal Department,  
Sachivalaya, Gandhinagar.  
Dated the 3<sup>rd</sup> June, 2002.**

**No.GK/22/2002-COI/102002/797-D:**

**Commission of Inquiry Act, 1952.**

**WHEREAS** the State Government has under Government Notification, Legal Department No. GK/07/2002-COI/102002/797-D dated 6<sup>th</sup> March, 2002 appointed a Commission of Inquiry under section 3 of the Commission of Inquiry Act, 1952 (60 of 1952) to inquire into incidents of setting on fire some coaches of the Sabarmati Express train near Godhra Railway Station on 27<sup>th</sup> February, 2002 and subsequent incidents of violence in the State.

**NOW, WHEREAS,** the Government of Gujarat has reconstituted the said Commission of Inquiry vide Government Notification Legal Department No. GK/15/2002-COI/102002/797-D dated the 21<sup>st</sup> May, 2002;

**AND WHREAS,** the said Commission was required to complete the inquiry and submit report within three months.

**AND WHEREAS,** the Government of Gujarat is of the opinion that the Commission should complete the inquiry and submits its report to the State Government on or before 5<sup>th</sup> December, 2002.

**NOW THEREFORE,** in exercise of powers conferred by section 3 of the Commission of Inquiry, 1952 (60 of 1952), the Government of Gujarat hereby amends the Government Notification, Legal Department No. No.GK/07/2002-COI/102002/797-D dated 6<sup>th</sup> March, 2002 as follows namely:-

(ii) In the said notification, (i) in paragraphs 2, in sub-paragraph (1) in clause (b) after the words “incidents of violence”, the words and figures, “that took place on and from 27<sup>th</sup> February, 2002 to 30<sup>th</sup> March, 2002” shall be inserted, (ii) in paragraph-3, for the words “three months” the words “nine months” shall be submitted.

**By order and in the name of Governor of Gujarat.**

Sd/- 3.6 illegible  
(O.L. Pandey)  
**Deputy Secretary to the Government**

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## **EXTRA ORDINARY**

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**Separate paging is given to this Part in order that it may be filed as a separate Compilation**

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### **PART – IV-A**

**Rules and Orders (other than those published in Part I, I-A and I-L) made by the Government of Gujarat under the Central Act.**

### **LEGAL DEPARTMENT**

#### **NOTIFICATION**

**Sachivalaya, Gandhinagar, 20<sup>th</sup> July, 2004.**

**No.GK/22/2002-COI/102002/797-D:**

**Commission of Inquiry Act, 1952.**

**No.GK/16/2004-COI/102002/797-A:**

WHEREAS the State Government has under Government Notification, Legal Department No. GK/07/2002-COI/102002/797-D dated 6<sup>th</sup> March, 2002 appointed a Commission of Inquiry under section 3 of the Commission of Inquiry Act, 1952 (60 of 1952) consisting of Mr. Justice K.G. Shah, retired Judge of the High Court of Gujarat to inquire into incidents of setting on fire some coaches of the Sabarmati Express train near Godhra Railway Station on 27<sup>th</sup> February, 2002 and subsequent incidents of violence in the State in the aftermath of Godhra incident and the adequacy of administrative measures taken to prevent the and with disturbances in Godhra and subsequent disturbances in the state.

NOW, WHEREAS, the State Government has thereafter under Government Notification Legal Department No. GK/15/2002-COI/102002/797-D dated the 21<sup>st</sup> May, 2002 reconstituted the aforesaid Commission in public interest by converting the single-member Commission into two-member Commission

**headed by Mr. Justice G.T. Nanavati, former Judge of the Supreme Court of India as Chairperson and Mr. Justice K.G. Shah, former High Court Judge as a Member.**

**AND WHREAS,** the State Government has thereafter under Government Notification, Legal Department No. GK/22/2002-COI/102002/797-D dated the 3<sup>rd</sup> June, 2002 amended the first Government Notification, Legal Department No. GK/07/2002-COI/102002/797-D dated 6<sup>th</sup> March, 2002 so as to include the incidence of violence that took place on and from 27<sup>th</sup> February, 2002 to 30<sup>th</sup> March, 2002 and also for extending the time limit for completion of the inquiry and submission of the report by the Commission on or before 5<sup>th</sup> December, 2002;

**AND WHEREAS,** the State Government has subsequently under Government Notification, Legal Department No. GK/08/2004-COI/102002/797/A dated 28<sup>th</sup> May, 2004 further extended the aforesaid time limit for completion of the inquiry and submission of the report by the Commission;

**AND WHEREAS,** the Government has recently received representations for inquiring into the role and conduct of the Chief Minister, Ministers, Officers of the Government, other individuals and organizations. Accordingly, the Government of Gujarat is of the opinion that it is necessary to enlarge the scope of the terms of reference of the aforesaid Commission in public interest, so as to look into the role and conduct of the Hon'ble Chief Minister as well as other Hon'ble Ministers, Officers of the Government, other individuals and organizations.

**AND WHEREAS,** the Government of Gujarat is of the opinion that the Commission may complete the inquiry and submit its report to the State Government on or before 5<sup>th</sup> December, 2005.

**NOW, THEREFORE,** in exercise of the powers conferred by section 3 of the Commissions of Enquiry Act, 1952 (60 of 1952) the Government of Gujarat hereby amends the above referred the Government Notification, Legal Department No. GK/07/2004-COI/102002/797-D dated 6<sup>th</sup> March, 2002, for the aforesaid purpose as follows namely:-

**In the said Notification –**

**I. After clause (c) in sub-para (1) of para-2 following clauses (d) and (e) be added namely:-**

**“(d) Role and conduct of the then Chief Minister and/or any other Minister(s) in his Council of Ministers, Police Officers, other individuals and organizations in both the events referred to in clauses (a) and (b)**

**(e) Role and conduct of the then Chief Minister and/or any other Minister(s) in his Council of Ministers, Police Officers (i) in dealing with any political or non-**

political organization which may be found to have been involved in any other events referred to hereinabove, (ii) in the matter of providing protection, relief and rehabilitation to the victims of communal riots (iii) in the matter of recommendations and directions given by National Human Rights Commission from time to time.”

- II. In para 2: in sub-para (1) in clause (b), after the words, ‘incidence of violence’, for the words and figures, ‘that took place on and from 27<sup>th</sup> February, 2002 to 30<sup>th</sup> March, 2002, the words and figures ‘that took place on and from 27<sup>th</sup> February, 2002 to 31<sup>st</sup> May, 2002’ be substituted.
- III. In para 3, for the words ‘three months’, the words ‘on or before 5<sup>th</sup> December, 2005’ be substituted.

**By order and in the name of Governor of Gujarat.**

**C.G. GOTHI**  
**Deputy Secretary to the Government**

ફોજદારી કામ ચલાવવાની રીત બાબતના કાયદાની ૧૫૪ થી કલમની રૂએ પોલીસ થાણા:

ઉપર આપેલી કોર્નિઝેબલ ગુન્હાની પહેલી ખબર I.ગૃ.ર.નં.૦૦૦૮/૨૦૦૨

સબ-ઇસ્ટ્રીક્ટ- અમદાવાદ

ઇસ્ટ્રીક્ટ :- વેસ્ટર્ન રેલ્વે

ગુન્હો થયાની તારીખ તથા કલાક :- તા. ૨૭-૨-૨૦૦૨ ના કલાક ૭/૪૭ થી ૮/૨૦ દરમ્યાન.

.....  
૧. ખબર આખ્યાની તારીખ તથા કલાક

:- તા. ૨૭-૨-૨૦૦૨ ના કલાક ૮/૩૫

૨. ગુન્હાની જગ્યા તથા પોલીસ થાણાથી  
અંતર તથા દિશા

:- ગોધરા રેલ્વે સ્ટેશન પ્લેફોર્મ નં. ૧ ના દક્ષિણ  
છેડા પાસે 'એ' કુબીન પાસે ટ્રેન નં. ૮૯૯૬ અપ  
સાબરમતી એક્સપ્રેસ ટ્રેન વખતે

૩. પોલીસ થાણા ઉપરથી મોકલ્યાની  
તારીખ

:- તા. ૨૭-૨-૨૦૦૨

૪. ખબર આપનાર તથા ફરિયાદીનું નામ  
તથા રહેવાનું ઠેકાણું

:- શ્રી રાજેન્દ્રરાવ રઘુનાથરાવ જાતે-જાદવ ૩.વ.  
૪૪ રહે. મરાઠાવાસ, રતલામ તોપખાના પાસે,  
એમ.પી.

૫. તહોમતવાળાનું નામ તથા રહેવાનું ઠેકાણું

:- આશરે ૮૦૦ થી ૧૦૦૦ જેટલા મુસ્લીમ કોમના  
માણસો

૬. ગુન્હાનું ટૂંક વર્ણન કલમ સુધ્યા અને કોઈ  
માલમત્તા લઈ જવામાં આવી હોય  
તો તેનું ટૂંક વર્ણન

:- ગુન્હો ઈ.પી.કો. કલમ-૧૪૩, ૧૪૭, ૧૪૮,  
૧૪૯, ૩૩૭, ૩૩૮, ૪૩૮, ૩૦૨, ૩૦૭ તથા  
ઈ.રે.એક્ટ કલમ-૧૪૧, ૧૫૦, ૧૫૨ મુજબ તે એવી  
રીતે કે ઉપર બતાવેલ તારીખ, વખત અને જગ્યાએ  
આશરે ૮૦૦ થી ૧૦૦૦ જેટલા મુસ્લીમ કોમના  
ટોળાના માણસોએ ગેરકાયદેસર મંડળી બની ટ્રેનની  
ચેઈન પુલીગ કરી ટ્રેન ઉપર પથ્થરમારો બેફામ રીતે  
કરી કોચ નં. ૮૩૪૮૮ એટલે કે એસ/ફ ને આગ  
લગાડી ડબાને સંપૂર્ણ બાળી મૂકી ડબાના  
પેસેન્જરોને પથ્થર મારાથી ઈજાઓ કરી જુંદગી  
જોખમમાં મૂકી પેસેન્જરોને બાળી મુકવાની કોણિષ  
કરી આગમાં દશેક જેટલા પેસેન્જરોને બાળી મૂકી  
પેસેન્જરોના સામાન આગમાં બાળી નાંખી પોતાનો  
સામાન્ય ઉદેશ પાર પાડી પોલીસ આવતાં લાઢી  
ચાર્જ ફાયરાંગ કરતાં નાસી જઈ ગુનો કર્યો વિગેરે  
બાબત.

૭. તપાસ બાબત કરેલી તજવીજ ખબર  
લખી લેવાના સંબંધમાં થયેલ ઢીલ  
બાબત ખુલાસો

:- તુરત ૪

૮. મુકુદમાનો નિકાલ

:-

(સહી) અંગેજમાં સુવાચ્ય સહી

(હોદ્દો ) પો.સબ ઈન્સ.

.... પાન નં.૨ ઉપર ...

તા.૨૭-૨-૨૦૦૨

મારું નામ રાજેન્દ્રરાવ રઘુનાથરાવ જાતે જાદવ ૩.૧.૪૪ ધંધો - રેલ્વે ડ્રાઈવર  
રહે. મરાઠાવાસ, રત્લામ તોપખાના પાસે, એમ.પી.

રુબરુમાં જાહેર કરી મારી ફરિયાદ હકીકત લખાવું છું કે, હું છેલ્લા સાત વર્ષથી રત્લામ  
હેડ. કવાર્ટ્સમાં રેલ્વે એન્જિન ડ્રાઈવર તરીકે ફરજ બજાવું છું.

આજરોજ તા.૨૭-૨-૨૦૦૨ ના રાત કલાક ૪/૫૦ વાગે હું મારી નોકરી ઉપર  
સાબરમતી એક્સપ્રેસ ટ્રેન નં. ૮૧૬૬ અપ લઈને રત્લામથી વડોદરા રેલ્વે સ્ટેશન આવવા  
નીકળેલ મારી સાથે આસી. ડ્રાઈવર તરીકે મુકેશ રઘુવીરપ્રસાદ પચોરા તથા ગાડ્ઝીશ્રી એસ.એન.  
વર્મા નાઓ હતા. આ ટ્રેન લઈ અમો કલાક ૭/૪૦ વાગે ગોધરા રેલ્વે સ્ટેશને આવેલા અને  
ખેટકોર્મ નં. ૧ ઉપર ગાડી ઉભી રહેલ અને કલાક ૭/૪૫ વાગે ગાડીને સીજનલ મળતાં ગાડી  
સ્ટાર્ટ કરી વડોદરા તરફ રવાના થયેલ અને ખેટકોર્પથી ચાર પાંચ કોચ પસાર થયેલ દરમ્યાન  
ક. ૭/૪૭ વાગે ચેઈન પુલીંગ થતાં ગાડી ઉભી રહેલ અને અમારા આસી. ડ્રાઈવર મુકેશભાઈ  
ગાડ્ઝીશ્રીએ તપાસ કરતાં કોચ નં. ૮૩૧૦૧, ૫૩૪૩, ૫૧૨૬૩, ૮૮૨૩૮ ના નંબરવાળા કોચમાં  
ચેઈન પુલીંગ થયેલ જેથી માસ્ટરને વોકીટોકીથી જાણ કરી ચેઈન પુલીંગ ઠીક કરી ગાડી ચાલુ  
કરેલી અને ગાડી ગોધરા 'એ' કેબીન પાસે પહોંચતાં ફરીથી ચેન પુલીંગ થયેલ અને ખેટકોર્મ  
સાઈટથી પથ્થરમારો ચાલુ થઈ ગયેલ. અમોએ જોએલ તો આશરે ૮૦૦ થી ૧૦૦૦ માણસોનું  
ટોળું ટ્રેન ઉપર પથ્થરમારો કરતું હતું અને તે પૈકી કેટલાક માણસોએ કોચ નં. ૮૩૪૮૮ એસ/હ  
માં આગ લગાડેલ જેથી મે તુરત જ વોકીટોકીથી એસ.એસ. શ્રી ગોધરાને તાત્કાલિક પોલીસ મદદ  
તથા ફાયરબ્રિગેડની મદદ મોકલવા જાણ કરેલી અને ટ્રેનનો રોલ ના થાય તે માટે  
(લાકડાના ટુકડા) લગાડી ટ્રેનને યોભાવી દરમ્યાન રેલ્વે પોલીસ તથા આર.પી.એફ. તથા ફાયર  
બ્રિગેડના માણસો આવી ગયેલા અને પોલીસે ટાળાને વિભેરવા ટીયરગેસનો મારો તેમજ  
લાઠીચાર્જ પણ કરેલ, પણ ટોળું નહીં વીખરાતાં પોલીસે ફાયરીંગ કરતાં ટોળું પથ્થરમારો કરતાં  
કરતાં શહેર તરફ ભાગી ગયેલ અને ફાયરબ્રિગેડ ડબાને ઓલવવાનું ચાલું કરેલ. આગ  
ઓલવાઈ ગયેલ બાદ ડબામાં જોયેલ તો ડબાના અંદરનો ભાગ સંપૂર્ણ બળી ગયેલ હતું અને  
અમારી સાથેની પોલીસે તપાસ કરતાં આશરે દશોક જેટલી સળગી ગયેલી લાશો ઉપરા છાપરી  
પડેલ જાણાયેલ અને બીજા કેટલાક ઈસમો (પેસેન્જરો) જે પથ્થરમારાથી તથા દાજવાથી ઈજાઓ  
થયેલ તે પોતપોતાની રીતે દવાખાને ગયેલ હોય કેટલા માણસોને ઈજા થયેલ તે કહી શકાય નહીં  
અને સદરી ટ્રેનના ડબામાં પેસેન્જરોનો સામાન, લગેજ સંપૂર્ણ બળીને ખાખ થઈ ગયેલ છે. આ  
આગમાં રેલ્વેનો ડબો સંપૂર્ણ સળગી જઈ નાશ પામેલ છે તેમજ ઘણાખરા માણસોને પોલીસે  
પકડેલા છે.

## પાન નં.૩

જેથી આજરોજ તા.૨૭-૨-૨૦૦૨ ના કલાક ૭/૪૭ થી ૮/૨૦ દરમ્યાન ગોધરા શહેરના સોંગલ ફળીયા તથા આજુબાજુના વિસ્તારના એકજ મુસ્લીમ કોમના ૬૦૦ થી ૧૦૦૦ જેટલા માણસોનું ટોળાએ અમારી ટ્રેન નં.૮૧૬૬ અપ સાબરમતી એક્સપ્રેસ ટ્રેનમાં ગેરકાયદેસર રીતે ચેઈન પુલીંગ કરી, પથ્થરમારો કરી એક કોચને આગ લગાડી સંપૂર્ણ બાળી મૂકી અંદરના પેસેન્જરોને જીવતા સળગાવવાની કોશિષ કરી તથા દશેક જેટલા પેસેન્જરોને જીવતા બાળી મૂકી તથા પેસેન્જરોનો સામાન લગેજ બાળી દઈ પોલીસે લાઈચાર્જ તથા ફાયરાંગ કરતાં નાસી ગયેલ હોય મારી તેઓના વિરુદ્ધ કાયદેસર ફરિયાદ છે. આ ટોળાના માણસો પૈકી કોઈના નામઠામ જાણેલ નથી, મારા સાહેદ મારી સાથેના આસી. ડ્રાઇવર તથા ગાર્ડશ્રી તથા તપાસમાં મળી આવે તે વિગેરે છે.

એટલી મારી ફરિયાદ હકિકત મારા લખાવ્યા મુજબે બરાબર અને ખરી છે.

સહી/- અંગ્રેજીમાં

રુ બ રુ

સહી/-

મને મારી ફરિયાદની નકલ મળેલ છે.

પોલીસ સબ ઈન્સ.

ગોધરા રેલ્વે પો.સ્ટેશન

સહી/- અંગ્રેજીમાં

રવાના :- જ્યા ભારત સાથે મહે.જ્યુ.ફ.ક.મેજી. સા.

રેલ્વે કોર્ટ ગોધરા તરફ.

સહી/- અંગ્રેજીમાં

રેલ્વે પો.સબ ઈન્સ.

ગોધરા રેલ્વે પો.સ્ટેશન.

અસલ ઉપરથી ખરી નકલ

સહી/- અંગ્રેજીમાં

પોલીસ સબ ઈન્સ.

ગોધરા રેલ્વે

ફોજદારી કામ ચલાવવાની રીત બાબતના કાયદાની ૧૫૪ થી કલમની રૂએ પોલીસ થાણા:

ઉપર આપેલી કોર્નિઝેબલ ગુન્હાની પહેલી ખબર I.ગુ.ર.નં.૦૦૧૦/૨૦૦૨

સબ-ડિસ્ટ્રીક્ટ- વડોદરા

ડિસ્ટ્રીક્ટ :- વેસ્ટર્ન રેલ્વે

ગુન્હો થયાની તારીખ તથા કલાક :- તા.૨૭-૨-૨૦૦૨ ના કલાક ૧૧/૦૦ થી ૧૧/૪૦ દરમ્યાન.

૧. ખબર આઘાની તારીખ તથા કલાક

:- તા.૨૭-૨-૨૦૦૨ ના કલાક ૨૨/૩૦

૨. ગુન્હાની જગા તથા પોલીસ થાણાથી  
અંતર તથા દિશા

:- ગોધરા રેલ્વે ર્યાડ 'એ' કેબીન પાસે

૩. પોલીસ થાણા ઉપરથી મોકલ્યાની તારીખ

:- તા.૨૭-૨-૨૦૦૨

૪. ખબર આપનાર તથા ફરિયાદીનું નામ  
તથા રહેવાનું ઠેકાણું

:- શ્રી સ.ત. મોહબતસિંહ જુવાનસિંહ જાલા ઊ.વ.૫૪  
ધંધો - નોકરી પો.સબ ઈન્સ. ગોધરા રે.પો.સ્ટેશન

૫. તહોમતવાળાનું નામ તથા રહેવાનું ઠેકાણું

:- (૧) એહમદ ઈબ્રાહીમ (૨) તૈયબ અબ્દુલ અજ્જદ  
(૩) મહમદ અલી ઈબ્રાહીમ શેખ (૪) એહમદ અબ્દુલ  
મજ્જદ (૫) સઈદખાં સીકંદરભાન પટાણ (૬) ઈશાક  
અબ્દુલ મુરાલભાન (૭) સીરાજભાઈ મહમદભાઈ શેખ  
(૮) સીકંદરભાન યાસીનભાન પટાણ (૯) મફત  
મહમદ હનીફ અસરફ (૧૦) સબર મહમદ ઈન્દુજીત  
(૧૧) અનવર અબ્દુલ મજ્જદ પીતળ બધા રહે.  
ગોધરા સીંગલ ફળીયા તથા પોલન બજાર.

૬. ગુન્હાનું ટૂંક વર્ણન કલમ સુધ્યા અને કોઈ  
માલમત્તા લઈ જવામાં આવી હોય  
તો તેનું ટૂંક વર્ણન

:- ગુન્હો ઈ.પી.કો. કલમ-૩૦૭, ૧૪૭, ૧૪૮,  
૧૪૯, ૪૩૬, ૧૫૩-એ તેમજ ૧૨૦-બી તથા ઈ.રે.એક્ટ  
કલમ-૧૪૧, ૧૫૦, ૧૫૩ તથા તેમેજ ટુ પબ્લિક  
પ્રોપરી એક્ટ કલમ-૩, ૭ મુજબ આ કામનાં આરોપી  
ઓએ ગેરકાયદેસર મંડળી રચી પોલીસ પાસેથી પુછ  
પરછ કરી રહેલ ઈસમોને છોડાવી લઈ જવા તથા  
ટ્રેનમાં મુસાફરી કરી રહેલ પેંસેન્જરો ઉપર પ્રાણધાતક  
હુમલો કરવા પ્રાણધાતક હથિયારો ધારણ કરી,  
એસીડ, કેરોસીન, ઈથર, પેટ્રોલ જેવા જવ્યનશીલથી  
ટ્રેનના ડબાને આગ ચાંપી સંઘાબંધ પેંસેન્જરોના  
મોત નીપજાવવાની કોશિષ કરી ભય આંતક ફેલાવી  
આવશ્યક સેવાઓ ખોરવી નાંખી ભારતીય રેલ્વેની  
મિલકતોને નુકશાન કરી ગુન્હો કર્યા વિગેરે બાબત.

૭. તપાસ બાબત કરેલી તજવીજ ખબર  
લખી લેવાના સંબધમાં થયેલ ઢીલ

:- તુરત જ

બાબત ખુલાસો

૮. મુકુદમાનો નિકાલ

:-

(સહી) અંગેજ્માં અવાચ્ય સહી

(હોદ્દો ) પો.સબ ઈન્સ.

.... પાન નં.૨ ઉપર ...

## પાના નં.૨

તા.૨૭-૦૨-૨૦૦૨

મારું નામ મોહબતસિંહ જુવાનસિંહ જાલા ૩.વ.૫૪ ધંધો-નોકરી પો.સબ ઈન્સ. ગોધરા રેલ્વે  
પોલીસ સ્ટેશન.

મારી શ્રી સ.ત. ફરિયાદ હકિકત એવી છે કે, હું ગોધરા રેલ્વે પોલીસ સ્ટેશનમાં છેલ્લા એક  
વર્ષથી પોલીસ સબ ઈન્સ. તરીકે ફરજ બજાવું છું.

આજરોજ અમો ગોધરા રેલ્વે ખાતે હાજર હતા ત્યારે સાબરમતી એક્સપ્રેસ ટ્રેનના  
પેસેન્જરબોધીને જલદ પદાર્થો એસીડ, પેટ્રોલ તથા ઈથર જેવા ભારે પદાર્થોથી સ્થાનિક મુસ્લીમ  
લોકોએ સળગાવી દીધેલ અને તમો પોલીસને ફાયરિંગનો પણ આશરો લેવો પડેલ જે બાબતે ગોધરા  
રેલ્વે પો.સ્ટે.ફ.ગુ.ર.નં.૦૦૬/૨૦૦૨ ઈ.પી.કો. કલમ-૧૪૩, ૧૪૭,૧૪૮,૧૪૯,૩૩૭,૩૩૮, ૪૩૮,  
૩૦૨,૩૦૭ ઈ.રે.એક્ટ-૧૪૧,૧૫૦,૧૫૨ વિગેરે મુજબનો ગુનો જેમાં શ્રી-પુરુષો જીવતા સળગાવી  
દીધેલા, જેમાં સંઘ્યાબંધ લોકો મરણ થયેલા છે અને અમુક લોકોને ગંભીર ઈજાઓ થતાં  
હોસ્પીટલમાં સારવાર હેઠળ છે.

ઉપરોક્ત બનાવ સંદર્ભમાં ગોધરા રેલ્વે સ્ટેશન 'એ' કેબીન પાસે સીંગલ ફળિયા સામે કે  
જ્યાં મુસ્લીમોની વસ્તી છે ત્યાં કલાક ૧૧.૦૦ ના સુમારે હાજર હતા. ઉપર જણાવેલ ગુનાના કામે  
સ્થાનિક પોલીસની મદદથી તથા આર.પી.એફ.ના માણસોની મદદથી ગુનેગારોને રાઉન્ડ અપ કરેલા  
અને તેઓની પૂછપરછ કરતા હતા ત્યારે તેઓને છોડાવી જવા તથા ટ્રેનમાં મુસાફરી કરતા અન્ય  
પેસેન્જરો ઉપર પ્રાણધાતક હુમલો કરવા માટે પેટ્રોલ, ડિઝલના કેરબા લઈને તથા ઈથર, ધારીયા,  
લાકડી, તલવાર વિગેરે પ્રાણધાતક હથિયાર સાથે બને બાજુથી ડાબી જમણી બાજુથી ઢોડી આવેલ  
આશરે ૨૫૦૦ થી ૩૦૦૦ માણસોનું ટોળું ચોંકારા પડકારા કરતું ઢોડતું આવી તેઓના કેટલાક  
લોકોએ જોરદાર પથ્થરમારો એસીડ બલ્બ ફેંકતા ટ્રેક ઉપર ઉલ્લી પેસેન્જર ટ્રેન ઉપર પથ્થરમારો  
કરતાં ધસી આવતા હતા. આ વખતે તેઓ મારો કાપો હિન્દુઓકો કાટ ડાલો એવી બૂમો પાડતા  
હતા.

આ વખતે પેસેન્જર ટ્રેનમાં મુસાફરી કરી રહેલા બળેલા ડબ્બાને (બોધી) સાથે રહેલા અને  
આ બોધીમાંથી મહા પરાણે બચેલા તેવા વિશ્વ હિન્દુ પરીષદના કાર્યકરો પોલીસની કામગીરીમાં  
મદદરૂપ થતાં હતા, અને તેડબોડી પણ કઢાવા માટે મદદરૂપ થતાં હતા. આ વખતે ટોળાને જોતાં જે  
આરોપીને અમો પોલીસે રાઉન્ડઅપ કરેલા અને પૂછપરછ કરતાં હતા તેઓને પણ છોડાવી જવા  
લાગેલા. પોલીસ ઉપર આર.પી.એફ. ઉપર તેમજ સ્થાનિક પેસેન્જરો ઉપર અને ગોધરાની પોલીસ  
ઉપર સખત પથ્થરમારો, એસીડના બલ્બ, પેટ્રોલના બલ્બનો મારો થતાં ઉપરોક્ત પકડેલ  
આરોપીઓને છોડાવવાની કોશિષ કરતા.

.... પાન-નં.૩ ઉપર ....

. . . . અને પરિસ્થિતિ બેકાબૂ બની જતી હતી, જેથી અમો તથા ઈન્ચાર્જ એસ.પી. શ્રી શિમ્બી સાહેબે આ ટોળાને ગેરકાયદેસર મંડળી બતાવેલ હોય વિખેરાઈ જવા આદેશ આપેલા. પરંતુ કોઈ અસર થયેલ નહી ત્યાર પછી જોયું તો આ હિંસક અને જનૂની ટોળું વધુને વધુ નજીક આવતું હતું અને ટોળાના કેટલાક માણસો પેસેન્જરોના ડબા તરફ ધસી આવતા તેઓને વિખેરાઈ જવા વારેવાર સુચના આપેલ છતાં વિખેરાયેલા નહી અને હિંસક ટોળું વિખેરાયેલ નહી જેથી આખરે ન છુટકે ઈન્ચાર્જ એસ.પી. શ્રી શિમ્બી સાહેબે પો.કો.માનસીંગ મુળજીભાઈને હવામાં ફાયરીંગ કરવાનું કહેતાં હવામાં એક રાઉન્ડ ફાયર કરેલ પરંતુ તેની અસર ન થતાં બીજા ત્રણ રાઉન્ડ હવામાં ફાયર કરેલા પરંતુ આ ફાયરીંગની પણ કોઈ અસર પડેલી નહી ત્યારપછી ફરીથી એક રાઉન્ડ હવામાં ફાયર કરેલો પરંતુ તેની અસર થયેલ નહી હોવાથી તે વખતે એક ઈસમ તલવાર સાથે ધસી આવી લોકોને ઉશ્કરણી કરતો હતો તેને કમરના નીચેના ભાગે ફાયર કરવા એસ.પી. શ્રી શિમ્બી સાહેબે હુકમ કરતા તેની કમરના નીચેના ભાગે નિશાન લઈ પો.કો.માનસીંગ તેની ૩૦૩ રાયફલમાંથી એક રાઉન્ડ ફાયર કરેલ જેનાથી તે ઈસમને ઈજા થયેલ જેને ગેરકાયદેસર મંડળીના માણસો ઉચ્કી તેને લઈ ગયેલ અને બીજી બાજુ પણ મારો કાપોની ચીચીયારી કરતાં હિંસક ટોળું ધસી આવતા ઈન્સ.એસ.પી. શ્રી શિમ્બી સાહેબના હુકમથી બીજા બે રાઉન્ડ કરેલા જેનાથી ઈજા થયેલ કે કેમ તે જણાયેલ નહી.

અમારાથી થોડેક દૂર હિંસક ટોળું હથિયારો સાથે મારો કાપોની બૂમ પાડતું ધસી આવતા આર.પી.એફ.ના કમાન્ડન્ટ શ્રી, એસ.એચ.પાન્ડ સાહેબે આ ગેરકાયદેસર મંડળીને વિખેરાઈ જવા માટે હુકમ કર્યો પરંતુ એ નહી વિખેરાતા આ ટોળાને વિખેરવા ફાયરીંગ કરવા પાન્ડ સાહેબના હુકમથી આર.પી.એફ. ના માણસોને કે જેઓ આર.પી.એફ. સૈનિક જાલાભાઈ માનસીંગ તથા એન.કે. વર્મા તેમજ વિરેન્દ્રસિંહ પાસેથી ગોળીબાર કરાવેલ તેવું જાણવા મળેલ, આ ઉપરાંત પી.એસ.આઈ. શ્રી ગઢવીએ પોતાની રીવોલ્વરમાંથી બે રાઉન્ડ હવામાં ફાયરીંગ કરેલ.

આ વખતે પોલીસના માણસો એ.એસ.આઈ. છત્રસિંહ ગંભીરસિંહ તથા પો.કો. મહેન્દ્રસિંહ ભીખુસિંહ તથા પો.કો. લક્ષ્મણસિંહ નાનસિંહ તથા પો.કો. હીરાભાઈ દોલાભાઈ તથા પો.કો. કીરીટસિંહ હરીસિંહ તથા પો.કો. હેમેન્ડ રમણલાલ તથા પો.કો. રામભાઈ લખાભાઈ તથા પો.કો. રામસિંહ ગભેસિંહ તથા પો.કો. પ્રભાતભાઈ પુનાભાઈ તથા પો.કો. માનસિંહ મુળજીભાઈ તથા આર.પી.એફ.ના વિકમસિંહ તેમજ જાલાભાઈ માનસિંહ તથા એન.કે. વર્મા તથા આર.પી.એફ.ના કમાન્ડન્ટ શ્રી, એસ.એન. પાન્ડ તથા આર.પી.એફ. ના માણસો હાજર હતા. સાબરમતી એક્સપ્રેસ ટ્રેનમાં સળગાવી દેવામાં આવેલ હતી અને તે ડબામાંથી પુરુષો, બાળકો, ઝોઓની લાશો બહાર

## પાન-નં.૪

.... કાઢવા માટે વિશ્વહિન્દુ પરીષદના જનકભાઈ તથા કાન્તીલાલ દવે તથા રાજુભાઈ વિઠલભાઈ દરજ તથા કકલું કુમાર ઉર્ફ નિતીનકુમાર હરિપ્રસાદ તથા અન્ય કાર્યકરો પણ હાજર હતા.

પોલીસે તથા આર.પી.એફ. તથા ગોધરા સ્થાનિક પોલીસ માણસોએ હિંસક ટોળામાંથી રાઉન્ડ અપ કરેલા ઈસમોના નામ પૂછતાં તેઓ નીચે મુજબ બતાવેલ છે.

(૧) એહમદ ઈબ્રાહિમ જાતે મુસલમાન સુકીયા ૩.૧.૫૫ રહે. મહમદી મહોલ્લો કશ્રસ્તાની બાજુમાં નાની પાસે લાકડી,

(૨) તૈયબ અબ્દુલ અજ્જ જાતે-ભાગલીયા ૩.૧.૨૦ રહે. મહમદી મહોલ્લો, ગોધરા નાની પાસે લોખંડનો સળીયો,

(૩) મહમદ હનિફ ઈબ્રાહિમ શેખ ૩.૧.૩૦ રહે. લીબડી ફળીયા, ગોધરા નાની પાસે, લોખંડનો સળીયો,

(૪) એહેમદ અબ્દુલ મજૂદ જાતે-ગરીલા ૩.૧.૫૮ રહે. પોલન બજાર, ગોધરા નાની પાસે લાકડી,

(૫) સર્ઝદ ખાં સીકિદરખાન જાતે-પઠાણ ૩.૧.૧૮ રહે. સીંગલ ફળીયા નાની પાસે ધારીયું,

(૬) ઈશાક અબ્દુલ મુસલમાન ૩.૧.૪૨ રહે. પોલન બજાર, ગોધરા નાની પાસે ધારીયું,

(૭) સીરાજભાઈ મહમદભાઈ શેખ ૩.૧.૪૨ રહે. મહમદી મહોલ્લો, ગોધરા નાની પાસે લાકડી,

(૮) સીકિદરખાન યાસીનખાન પઠાણ ૩.૧.૫૦ રહે. હમીરપુર રોડ, ગોધરા નાની પાસે એસીડ ભરેલો બોટલ નાની,

(૯) મફત મહમદ હનીફ અશરફ જાતે-શેખ ૩.૧.૨૦ રહે. મીઠી ખાના મહોલ્લો, ગોધરા નાની પાસે એસીડ ભરેલી નાની બોટલ,

(૧૦) અનવર અબ્દુલ મજૂદ જાતે-પીતળ ૩.૧.૬૨ રહે. મહંમદી મહોલ્લો, ગોધરા નાની પાસે લોખંડનો સળીયો,

(૧૧) સબ્બર મહંમદ જાતે-ઈન્દ્રજિત મુસલમાન ૩.૧.૪૪ રહે. ચોકી નં.૩ ની બાજુમાં, ગોધરા નાની પાસે લાકડી,

આમ પોતાનો ગુન્હાહીત ઈરાદો બર લાવવા માટે ગેરકાયદેસર મંડળી બની પ્રાણધાતક હથિયારો ધારણ કરી એસીડ, કેરોસીન, ઈથર, પેટ્રોલ જેવા જવ્વલનશીલ પદાર્થો ટ્રેનના ડબ્બાઓને આગ ચાંપી સંઘ્યાબંધ ઈસમોના મોત નીપજાવવાની કોશિષ કરવાનું તથા ભય આંતક ફેલાવી આવશ્યક સેવાઓ ખોરવી નાંખી તેઓએ ભય તથા આંતક પેદા કરેલ તેથી તેઓની સામે ભારતીય દંડ સહીતા કલમ-૩૦૭, ૧૪૭, ૧૪૮, ૧૪૯, ૪૩૬, ૧૫૩-એ તેમજ ૧૨૦-બી તથા ઈ.રે.એક્ટ કલમ-૧૪૧, ૧૫૦, ૧૫૩ તથા તેમેજ ટુ પદ્ધીક પ્રોપટી એક્ટ કલમ-૩, ૭ મુજબ કાયદેસર થવા ફરિયાદ છે.

પાન-નં.૫

મારા સાહેદો મારી ફરિયાદમાં જણાવેલ પોલીસ, આર.પી.એફ.ના અધિકારીઓ તથા માણસો અને વિશ્વહિન્દું પરીષદના કાર્યકરો તથા તપાસમાં નિકળે તે છે.

એટલી મારી ફરિયાદ હકીકત મારા લખાવ્યા મુજબેની બરાબર અને ખરી હોય આ નીચે સહી કરેલ છે. તા.૨૭-૨-૨૦૦૨

સહી/- અંગ્રેજીમાં

રુ બ રુ

સહી/- અંગ્રેજીમાં

પોલીસ સબ ઈન્સપેક્ટર  
ગોધરા રેલ્વે પો.સ્ટેશન

રવાના :- જ્ય ભારત સાથે મહે.જ્યુ.ફ.ક.મેઝ. સા.  
રેલ્વે કોર્ટ ગોધરા તરફ.

એસડી/-

પોલીસ સ્ટેશન ઓફિસર  
ગોધરા રેલ્વે પો.સ્ટેશન.

અસલ ઉપરથી ખરી નકલ

સહી/- અંગ્રેજીમાં

પોલીસ સબ ઈન્સ.

ગોધરા રેલ્વે